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THE CONSTITUTION

OF THE

STATE OF VERMONT:

ESTABLISHED BY CONVENTION JULY 9, 1793;
AND AMENDED BY CONVENTIONS IN
1828, 1836, 1850, AND 1870, AND BY
THE PEOPLE IN 1883.

BRATTLEBORO:
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THE CONSTITUTION OF VERMONT.

CHAPTER 1.

A declaration of the rights of the inhabitants of the State of Vermont.

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2 Private property subject to public use; owner to be paid.

3 Freedom in religion; right and duty of religious worship.

4 Remedy at law secured to all.

5 People, by the legislature, to regulate internal police.

6 Officers servants of the people.

7. Government for the people; they may change it.

8 Elections to be free and pure; rights of freemen therein.

9 Citizen's rights and duties in the state.—Bearing arms. —Taxation.

10 Rights of persons accused of crime. Personal liberty.

11 Search and seizure regulated.

12 Trial by jury to be held sacred.

13 Freedom of speech and of the press.

14 Immunity for words spoken in legislative debate.

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15 Legislature only may suspend laws.

16 Right to bear arms; standing armies; military power subordinate to civil.

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20 Right to assemble, instruct and petition.

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2 Superseded.

3 Superseded.

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13 Effect of certain amendments to the constitution

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15 Freemen to elect sheriffs and high bailiffs.

16 Freemen to elect state's attorneys

17 Freemen to elect judges of probate.

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20 Election of assistant judges of the county court, sheriffs, high bailiffs, state's attorneys, judges of probate, and justices of the peace; the governor to commission them.

21 Legislature to provide for vacancy in offices of governor, and lieutenant-governor.—Governor may appoint a treasurer to fill a vacancy.

22. Securities to be given by treasurer, sheriffs, and high bailiffs.

23 Senators; their number, qualifications and apportionment.

24 § 1. Biennial sessions—§ 2. Biennial elections.—§ 3. Term of office of the governor, lieutenant-governor and treasurer.—§ 4. Term of office of senators and representatives.—§ 5 Term of office of county officers.

25 § 1. Mode of amending constitution.—§ 2. General assembly may direct manner of voting on amendments.—§ 3. House of representatives may order impeachments —§ 4. Council of censors abolished.

26 Term of office of judges of the supreme court.

27 Additional oath to representatives — Construction of words in oath.

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CHAPTER I.

A DECLARATION OF THE RIGHTS OF THE INHABITANTS OF THE STATE OF VERMONT.

All men born free; natural rights. No slavery.
Con. 1777, Ch. 1, Art. 1.
Con. 1786, Ch. 1, Art. 1.
2 Tyl. 192.
Brayt. 124.
9 Vt. 41.
27 Vt. 328.
31 Vt. 610.
44 Vt. 648.
47 Vt. 493.

ARTICLE 1st. That all men are born equally free and independent, and have certain natural, inherent, and unalienable rights, amongst which are the enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining happiness and safety: therefore no male person born in this country, or brought from over the sea, ought to be holden by law, to serve any person as a servant, slave, or apprentice, after he arrived to the age of twenty-one years, nor female in like manner, after she arrives to the age of eighteen years, unless they are bound by their own consent, after they arrive to such age, or bound by law for the payment of debts, damages, fines, costs, or the like.

Private property, public use of
Con. 1777, Ch. 1, Art. 2.
Con. 1786, Ch. 1, Art. 2.
15 Vt. 745.

ARTICLE 2nd. That private property ought to be subservient to public uses when necessity requires it; nevertheless, whenever any person's property is taken for the use of the public, the owner ought to receive an equivalent in money.

16 Vt. 446. 21 Vt. 590 23 Vt. 361 25 Vt. 49. 31. Vt. 226 33 Vt. 271. 44 Vt. 648. 52 Vt. 481.

Religious freedom and worship.
Con. 1777, Ch. 1, Art. 3.
Con. 1786, Ch. 1, Art. 3.
6 Vt. 219
18 Vt. 358.

ARTICLE 3d. That all men have a natural and unalienable right, to worship Almighty God, according to the dictates of their own consciences and understandings, as in their opinion shall be regulated by the word of God; and that no man ought to, or of right can be compelled to attend any religious worship, or erect or sup-

port any place of worship, or maintain any minister contrary to the dictates of his conscience, nor can any man be justly deprived or abridged of any civil right as a citizen on account of his religious sentiments, or peculia[r] mode of religious worship; and that no authority can, or ought to be vested in, or assumed by, any power whatever, that shall in any case interfere with, or in any manner control the rights of conscience, in the free exercise of religious worship. Nevertheless, every sect or denomination of Christians ought to observe the Sabbath or Lord's day, and keep up some sort of religious worship, which to them shall seem most agreeable to the revealed will of God.

44 Vt. 116. 48 Vt. 444.

ARTICLE 4th. Every person within this state ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property or character; he ought to obtain right and justice, freely and without being obliged to purchase it; completely and without any denial; promptly and without delay; conformably to the laws.

Remedy at law. Con. 1786, Ch. 1, Art. 4. 27 Vt. 328. 31 Vt. 610.

ARTICLE 5th. That the people of this state by their legal representatives, have the sole, inherent and exclusive right of governing and regulating the internal police of the same.

Internal police. Con. 1777, Ch. 1, Art. 4. Con. 1786, Ch. 1, Art. 5.

26 Vt. 717.	27 Vt. 318.	27 Vt. 523.	31 Vt 610.
27 Vt. 140.	27 Vt. 328.	31 Vt 226.	41 Vt. 504.

ARTICLE 6th. That all power being originally inherent in and co[n]sequently derived from the people, therefore, all officers of government, whether legislative, or executive, are their trustees and servants;

Officers servants of the people. Con. 1777, Ch. 1, Art. 5. Con. 1786, Ch.

1, Art. 6. and at all times, in a legal way, accountable to them.

ARTICLE 7th. That government is, or ought to be, instituted for the common benefit, protection, and security of the people, nation, or community, and not for the particular emolument or advantage of any single man, family, or set of men, who are a part only of that community; and that the community hath an indubitable, unalienable and indefeasible right, to reform or alter government, in such manner as shall be, by that community, judged most conducive to the public weal.

Government for the people; they may change it.
Con. 1777, Ch. 1, Art. 6
Con 1786, Ch. 1, Art. 7.

ARTICLE 8th. That all elections ought to be free and without corruption, and that all freemen, having a sufficient, evident, common interest with, and attachment to the community, have a right to elect officers, and be elected into office, agreeably to the regulations made in this constitution.

Elections. Freemen's rights therein.
Con. 1777, Ch. 1, Art. 8.
Con. 1786, Ch 1, Art. 9.
32 Vt. 546.

ARTICLE 9th. That every member of society hath a right to be protected in the enjoyment of life, liberty, and property, and therefore is bound to contribute his proportion towards the expense of that protection, and yield his personal service, when necessary, or an equivalent thereto, but no part of any person's property can be justly taken from him, or applied to public uses without his own consent, or that of the Representative Body of the freemen, nor can any man who is conscientiously scrupulous of bearing arms, be justly compelled thereto if he will pay such equivalent; nor are the people bound by any

Citizen's rights and duties in the state. Bearing arms. Taxation.
Con. 1777, Ch. 1, Art. 9.
Con. 1777, Ch. 2, Sec. 37.
Con. 1786, Ch. 1, Art. 10.
27 Vt. 328.
31 Vt. 610.
43 Vt. 481.
43 Vt. 485.
50 Vt. 178.
50 Vt. 257.

law but such as they have in like manner assented to, for their common good; and previous to any law being made to raise a tax, the purpose for which it is to be raised ought to appear evident to the Legislature to be of more service to community than the money would be if not collected.

ARTICLE 10th. That in all prosecutions for criminal offences, a person hath a right to be heard by himself and his counsel; to demand the cause and nature of his accusation; to be confronted with the witnesses; to call for evidence in his favour, and a speedy public trial by an impartial jury of the country; without the unanimous consent of which jury, he cannot be found guilty; nor can he be compelled to give evidence against himself; nor can an person be justly deprived of his liberty, except by the laws of the land, or the judgment of his peers.

Rights of accused. Personal liberty. Con. 1777, Ch. 1, Art. 10. Con. 1786, Ch. 1, Art. 11. 2 Tyl. 380. 21 Vt 9. 25 Vt. 261. 27 Vt. 318. 27 Vt. 325. 27 Vt. 328. 27 Vt. 523. 27 Vt. 553. 31 Vt. 610. 39 Vt. 225. 41 Vt. 504. 48 Vt. 366 52 Vt. 353.

ARTICLE 11th. That the people have a right to hold themselves, their houses, papers and possessions, free from search or seizure; and therefore warrants, without oath or affirmation first made, affording sufficient foundation for them, and whereby any officer or messenger may be commanded or required to search suspected places, or to seize any person or persons, his, her or their property, not particularly described, are contrary to that right, and ought not to be granted.

Search and seizure regulated. Con 1777, Ch. 1, Art. 11. Con. 1786, Ch. 1, Art. 12. 1 Tyl. 444 25 Vt. 261. 27 Vt 328 31 Vt. 610

ARTICLE 12th. That when any issue in fact, proper for the cognizance of a jury is joined in a court of law, the parties have a right

Trial by jury. Con 1777, Ch.

1, Art. 13. Con. 1786, Ch. 1, Art. 14.

to trial by jury, which ought to be held sacred.

5 Vt. 186. 27 Vt. 328. 33 Vt. 283. 52 Vt. 353. 21 Vt. 426. 31 Vt. 610. 41 Vt. 504.

ARTICLE 13th. That the people have a right to freedom of speech, and of writing and publishing their sentiments, concerning the transactions of government, and therefore the freedom of the press ought not to be restrained.

Freedom of speech and the press. Con. 1777, Ch. 1, Art. 14. Con. 1786, Ch. 1, Art. 15.

ARTICLE 14. The freedom of deliberation, speech, and debate, in the Legislature, is so essential to the rigts of the people, that it cannot be the foundation of any accusation or prosecution, action or complaint, in any other court or place whatsoever.

Legislator's immunity in debate. Con. 1786, Ch. 1, Art. 16.

ARTICLE 15th. The power of suspending laws, or the execution of laws, ought never to be exercised but by the Legislature, or by authority derived from it, to be exercised in such particular cases, as this constitution, or the Legislature shall provide for.

Legislature only may suspend laws. Con. 1786, Ch. 1, Art. 17.

ARTICLE 16th. That the people have a right to bear arms for the defence of themselves and the State—and as standing armies in time of peace are dangerous to liberty, they ought not to be kept up; and that the military should be kept under strict subordination to and governed by the civil power.

Right to bear arms; standing armies; civil power to govern. Con. 1777, Ch. 1, Art. 15. Con. 1786, Ch. 1, Art. 18.

ARTICLE 17th. That no person in this state can in any case be subjected to law martial, or to any penalties or pains by virtue of that law, except those employed in the army, and the militia in actual service.

Martial law restricted. Con. 1786, Ch. 1, Art. 19

ARTICLE 18th. That frequent recurrence to fun-

damental principles, and a firm adherence to justice, moderation, temperance, industry, and frugality, are absolutely necessary to preserve the blessings of liberty, and keep government free; the people ought, therefore, to pay particular attentention to these points, in the choice of officers and representatives, and have a right, in a legal way, to exact a due and constant regard to them, from their legislators and magistrates, in making and executing such laws, as are necessary for the good government of the State.

Regard to fundamental principles and virtues. Con. 1777, Ch. 1, Art. 16. Con. 1786, Ch. 1, Art. 20.

ARTICLE 19th. That all people have a natural and inherent right to emigrate from one state to another that will receive them.

Right to emigrate. Con. 1777, Ch. 1, Art. 17. Con. 1786, Ch. 1, Art. 21.

ARTICLE 20th. That the people have a right to assemble together to consult for their common good—to instruct their Representatives—and to apply to the Legislature for redress of grievances, by address, petition or remonstrance.

Right to assemble, instruct, and petition. Con. 1777, Ch. 1, Art. 18. Con 1786, Ch. 1, Art 22. 2 Tyl. 129.

ARTICLE 21st. That no person shall be liable to be transported out of this state for trial for any offense committed within the same.

No transportation for trial. Con. 1777, Ch. 1, Art. 19. Con. 1786, Ch. 1, Art 23.

CHAPTER II.

PLAN OR FRAME OF GOVERNMENT.

SECTION 1st. The Commonwealth, or State of Vermont, shall be governed hereafter by a Governor (or Lieutenant Governor) Council, and an Assembly of the Representatives of the freemen of the same, in manner and form following:

Superseded See Arts. Amend., 3 and 8. Con 1777, Ch. 2, Sec. 1. Con. 1786, Ch. 2, Sec. 1.

SECTION 2nd. The Supreme Legislative power shall be vested in a House of Representatives of the freemen of the Commonwealth, or State of Vermont.

Superseded. See Art. Amend., 3. Con. 1777, Ch. 2 Sec 2. Con. 1786, Ch. 2, Sec 2.

SECTION 3rd. The Supreme Executive power shall be vested in a governor, or, in his absence, a Lieutenant Governor and Council.

Superseded. See Art. Amend, 8. Con. 1777, Ch. 2, Sec. 3. Con. 1786, Ch. 2, Sec. 3.

SECTION 4th. Courts of Justice shall be maintained in every county in this State, and also in new counties, when formed; which courts shall be open for the trial of all causes proper for their cognizance; and justice shall be therein impartially administered without corruption, or unnecessary delay. The judges of the Supreme Court shall be Justices of the peace throughout the State; and the several Judges of the County Courts, in their respective counties, by virtue of their office, except in the trial of such causes as may be appealed to the County Court.

Law courts and judges. Con. 1777, Ch. 2, Secs. 4 and 23. Con. 1786, Ch. 2, Sec. 4. 1 Vt. 32. 41 Vt. 504.

SECTION 5th. A future Legislature may, when they shall conceive the same to be expedient and necessary, erect a Court of Chancery, with such powers as are usually exercised by that Court, or as shall appear for the interest of the Commonwealth.—Provided they do not constitute themselves the Judges of the said court.

Court of Chancery. Con 1786, Ch 2, Sec. 5.

SECTION 6th. The Legislative, Executive, and Judiciary departments, shall be separate and distinct, so that neither exercise the powers properly belonging to the other.

Departments to be distinct. Con. 1786, Ch. 2, Sec 6. 1 D. Chip. 287 1 D. Chip. 77.

SECTION 7th. In order that the freemen of this State might enjoy the benefit of election as equally as may be, each town within this State, that consists, or may consist of eighty taxable inhabitants within one septenary or seven years next after the establishing this Constitution, may hold elections therein, and choose each two Representatives; and each other inhabited town in this State, may, in like manner, choose each one Representative to represent them in General Assembly, during the said septenary, or seven years, and after that, each inhabited town may in like manner hold such elections and choose each one Representative forever thereafter.

Town representation. Con. 1777, Ch. 2, Sec. 16. Con. 1786, Ch. 2, Sec. 7

SECTION 8th. The House of Representatives of the Freemen of this State, shall consist of persons most noted for wisdom ond virtue, to be choosen by ballot, by the freemen of every town in this State, respectively, on the first Tuesday of September annually, forever.

Election of representatives. See Art. Amend., 24. Con 1777, Ch. 2, Secs 7 and 8. Con. 1786, Ch. 2, Sec 8.

SECTION 9th. The representatives so chosen (a majority of whom shall constitute a quorum for transacting any other business than raising a State tax, for which two-thirds of the members elected shall be present) shall meet on the second Thursday of the succeeding October, and shall be styled The General Assembly of the State of Vermont; that shall have power to choose their speaker, Secretary of State, their Clerk, and other necessary officers of the House—sit on their own adjournments—prepare bills and enact them into laws—judge of the elections

Legislative powers, See Arts. Amend, 2, 3, 10, 14, 15, 17, 18, 20, 24, 26. Con. 1777, Ch. 2, Secs. 8, 9, 27, 42. Con. 1786, Ch. 2, Sec 9. 1 D Chip. 237 2 D. Chip. 77. 1 Aik. 121. 1 Aik. 264.

1 Aik. 314. 2 Aik. 284. 2 Aik. 293. 2 Vt. 174. 2 Vt. 234. 2 Vt. 517. 3 Vt. 360 3 Vt. 507. 4 Vt. 278. 8 Vt. 74. 13 Vt. 402. 21 Vt. 456. 26 Vt. 82. 26 Vt. 357. 27 Vt. 140. 47 Vt. 300. 48 Vt. 628. 50 Vt. 178. 50 Vt. 257. 52 Vt. 57. 52 Vt. 463.

and qualifications of their own members: they may expel members, but not for causes known to their constituents antecedent to their election: they may administer oaths and affirmations in matters depending before them—redress grievances—impeach state criminals—grant charters of incorporation—constitute towns, boroughs, cities and counties: they may annually on their first session after their election, in conjunction with the Council (or oftener if need be) elect judges of the Supreme and several county and probate Courts, Sheriffs and Justices of the peace; and also, with the Council, may elect Major Generals and Brigadier Generals, from time to time, as often as there shall be occasion: and they shall have all other powers necessary for the Legislature of a free and sovereign State: but they shall have no power to add to, alter, abolish, or infringe any part of this constitution.

Election of governor, lieutenant governor, treasurer and councillors. See Arts. Amend., 9, 24. Con. 1777, Ch. 2, Sec. 17. Con 1786, Ch. 2, Sec 10. 4 Vt. 535. 37 Vt. 665.

SECTION 10th. The Supreme Executive Council of this State, shall consist of a Governor, Lieutenant-Governor, and twelve persons chosen in the following manner, viz.: The freemen of each town shall, on the day of election for choosing Representatives to attend the General Assembly, bring in their votes for Governor, with his name fairly written, to the Constable, who shall seal them up, and write on them, VOTES FOR THE GOVERNOR, and deliver them to the Representative chosen to attend the General Assembly; and at the

opening of the General Assembly, there shall be a committee appointed out of the Council and Assembly, who, after being duly sworn to the faithful discharge of their trust, shall proceed to receive, sort, and count the votes for the Governor, and declare the person who has the major part of the votes, to be Governor for the year ensuing. And if there be no choice made, then the Council and General Assembly, by their joint ballot, shall make choice of a Governor. The Lieutenant Governor and Treasurer shall be chosen in the manner above directed. And each freeman shall give in twelve votes for twelve Counsellors, in the same manner, and the twelve highest in nomination shall serve for the ensuing year as Counsellors.

SECTION 11th. The Governor, and in his absence, the Lieutenant Governor, with the Council, (a major part of whom, including the Governor, or Lieutenant Governor, shall be a quorum to transact business) shall have power to commission all officers—and also to appoint officers, except where provision is, or shall be otherwise made, by law or this frame of government—and shall supply every vacancy in any office, occasioned by death or otherwise, until the office can be filled in the manner directed by law or this constitution. They are to correspond with other States—transact business with officers of government civil and military—and to prepare such business as may appear to them necessary, to lay before the General Assembly. They shall sit as Judges to hear and determine on impeachments, taking to their assistance, for advice only the Judges of the Supreme Court. And shall have power to grant pardons and remit fines, in all cases whatso-

Governor and executive power
See Arts. Am'd 6, 7, 8, 21.
Con. 1777, Ch. 2, Secs. 17, 18.
Con. 1786, Ch. 2, Sec. 11.
12 Vt. 631.

ever except in treason and murder; in which they shall have power to grant reprieves, but not to pardon, until after the end of the next Session of Assembly; and except in cases of impeachment, in which there shall be no remission, or mitigation of punishment, but by act of legislation. They are also to take care that the laws be faithfully executed. They are to expediate the execution of such measures as may be resolved upon by the General Assembly. And they may draw upon the Treasury for such sums as may be appropriated by the House of Representatives. They may also lay embargoes, or prohibit the exportation of any commodity, for any time not exceeding thirty days, in the recess of the House only. They may grant such licenses as shall be directed by law; and shall have power to call together the General Assembly, when necessary, before the day to which they shall stand adjourned. The Governor shall be Captain-General and Commander in Chief of the forces of the State, but shall not command in person, except advised thereto by the Council, and then only so long as they shall approve thereof. And the Lieutenant-Governor shall, by virtue of his office, be Lieutenant General of all the forces of the State. The Governor, or Lieutenant-Governor, and the Council, shall meet at the time and place with the General Assembly; the Lieutenant-Governor shall, during the presence of the Commander in Chief, vote and act as one of the Council: and the Governor, and in his absence, the Lieutenant-Governor, shall, by virtue of their offices, preside in Council, and have a casting but no other vote. Every member of the Council shall be a Justice of the peace for the whole State, by virtue of his office. The Governor and Council shall have a Secretary, and keep fair books of their proceedings, wherein any Counsellor may enter his

dissent, with his reasons to support it; and the Governor may appoint a Secretary for himself and his Council.

SECTION 12th. The Representatives having met, and chosen their speaker and Clerk, shall each of them, before they proceed to business, take and subscribe, as well the oath or affirmation of allegiance hereinafter directed (except where they shall produce certificates of their having heretofore taken and subscribed the same) as the following oath or affirmation, viz.

Representative's oaths.
Con. 1777, Ch. 2, Sec. 9.
Con. 1786, Ch. 2, Sec. 12.

You do solemnly swear (or affirm) that as a member of this Assembly, you will not propose, or assent to any bill, vote or resolution, which shall appear to you injurious to the people, nor do or consent to any act or thing whatever, that shall have a tendency to lessen or abridge their rights and privileges, as declared by the Constitution of this State; but will, in all things, conduct yourself as a faithful, honest Representative and guardian of the people, according to the best of your judgment and abilities. (*In case of an oath*) so help you God. (*And in case of an affirmation*) under the pains and penalties of perjury.

SECTION 13th. The doors of the house in which the General Assembly of this Commonwealth shall sit, shall be open for the admission of all persons who behave decently, except only when the welfare of the State may require them to be shut.

Doors of general assembly to be open.
Con. 1777, Ch. 2, Sec 12.
Con. 1777, Ch. 2, Sec 13.

SECTION 14th. The votes and proceedings of the General assembly shall be printed (when one-third of the Members think it necessary) as soon as convenient after the end of each session, with the yeas and nays

Journals to be printed.
Con 1777, Ch. 2, Sec 13.
Con. 1786, Ch. 2, Sec. 14.

on any question, when required by any member (except where the votes shall be taken by ballot,) in which case, every member shall have a right to insert the reasons of his vote upon the minutes.

SECTION 15th. The style of the laws of this State in future to be passed, shall be, *It is hereby enacted by the General Assembly of the State of Vermont.*

Style of laws. Con. 1777, Ch. 2, Sec. 15. Con 1786, Ch. 2, Sec. 15.

SECTION 16th. To the end that the laws, before they are enacted, may be more maturely considered, and the inconvenience of hasty determinations as much as possible prevented, all bills which originate in the Assembly, shall be laid before the Governor and Council for their revision and concurrence, or proposals of amendment; who shall return the same to the Assembly, with their proposals of amendment, if any, in writing; and if the same are not agreed to by the Assembly, it shall be in the power of the Governor and Council to suspend the passing of such bills until the next session of the Legislature. Provided, That if the Governor and Council shall neglect or refuse to return any such bill to the Assembly, with written proposals of amemdment, within five days, or before the rising of the Legislature, the same shall become a law.

Superseded. See Art. Amend 11. Con. 1777, Ch. 2, Sec. 14. Con. 1786, Ch. 2, Sec. 16. 2 Vt. 135.

SECTION 17th. No money shall be drawn out of the Treasury, unless first appropriated by act of Legislation.

Drawing money from treasury. 59 Vt. 39.

SECTION 18th. No person shall be elected a Representative, until he has resided two years in this State; the last of which shall be in the town for which he is elected.

Residence of representative.

SECTION 19th. No member of the Council, or House of Representatives, shall, di-

Representatives to take no fee for

rectly or indirectly, receive any fee or reward, to bring forward, or advocate any bill, petition, or other business, to be transacted in the Legislature; or advocate any cause, as Council in either House of Legislation, except when employed in behalf of the State. **Advocating bill.**

SECTION 20th. No person ought in any case, or in any time, to be declared guilty of treason or felony, by the Legislature. **Legislature restrained.**

Con. 1786, Ch. 2, Sec. 17.

SECTION 21st. Every man of the full age of twenty-one years, having resided in this State for the space of one whole year next before the election of Representatives, and is of a quiet and peaceable behavior, and will take the following oath or affirmation shall be entitled to all the privileges of a freeman of this State. **Freeman's qualifications and oath. See Art. Amend., 1.** Con. 1777, Ch. 2, Sec. 6. Con. 1786, Ch. 2, Sec. 18.

You solemnly swear (or affirm) *that whenever you give your vote or suffrage, touching any matter that concerns the State of Vermont, you will do it so as in your conscience you shall judge will most conduce to the best good of the same, as established by the Constitution, without fear or favor of any man.*

SECTION 22nd. The inhabitants of this State shall be trained and armed for its defence, under such regulations, restrictions, and exceptions, as Congress, agreeably to the Constitution of the United States, and the Legislature of this State, shall direct. The several Companies of Militia shall, as often as vacancies happen, elect their Captain and other Officers, and the Captains and Subalterns shall nominate and recommend the field Officers, of their respective regiments, who shall appoint their staff-officers. **Training and arming the people. Militia officers.** Con 1777, Ch. 2, Secs 5, 42. Con. 1786, Ch 2, Sec 19.

SECTION 23rd. All Commissions shall be in the name of the freemen of the State of Vermont, sealed with the state seal, signed by the Governor, and in his absence, the Lieutenant Governor, and attested by the Secretary; which seal shall be kept by the Governor.

Form of commissions. State seal. Con. 1777, Ch. 2, Sec. 19. Con. 1786, Ch. 2, Sec. 20.

SECTION 24th. Every officer of State, whether judicial or executive, shall be liable to be impeached by the General Assembly, either when in office, or after his resignation or removal for mal-administration. All impeachments shall be before the Governor, or Lieutenant-Governor, and Council, who shall hear and determine the same, and may award costs; and no trial or impeachment shall be a bar to a prosecution at law.

Impeachment. See Arts. Am'd., 7, 8. Con. 1777, Ch. 2, Sec. 20. Con. 1786, Ch. 2, Sec, 21. 2 Tyl. 1777.

SECTION 25th. As every freeman, to preserve his independance (if without a sufficient estate) ought to have some profession, calling, trade, or farm, whereby he may honestly subsist, there can be no necessity for, nor use in, establishing offices of profit, the usual effects of which are, dependence and servility, unbecoming freemen, in the possessors or expectants, and faction, contention and discord among the people. But if any man is called into public service to the prejudice of his private affairs, he has a right to a reasonable compensation; and whenever an office through increase of fees or otherwise, become so profitable as to occasion many to apply for it, the profit ought to be lessened by the Legislature. And if any officer shall wittingly and willfully, take greater fees than the law allows

Offices of profit forbidden. Officers to have reasonable compensation. Fees to be lessened. Receiving illegal fees. Con 1777, Ch. 2, Secs. 23, 33. Con. 1786, Ch. 2, Sec 22.

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him, it shall ever after disqualify him from holding any office in this State, until he shall be restored by act of Legislation.

SECTION 26th. No person in this State shall be capable of holding or exercising more than one of the following offices at the same time, viz: Governor, Lieutenant Governor, Judge of the Supreme Court, Treasurer of the State, Member of the Council, Member of the General Assembly, Surveyor General, or Sheriff. Nor shall any person holding any office of profit or trust under the authority of Congress, be eligible to any appointment in the Legislature, or of holding any executive or judiciary office under this State.

Offices incompatible. Federal officers ineligible.
Con. 1786, Ch. 2, Sec. 23.
14 Vt. 428.
44 Vt. 636.

SECTION 27th. The Treasurer of the State shall before the Governor and Council, give sufficient security to the Secretary of the State in behalf of the General Assembly; and each High-Sheriff, before the first Judge of the County Court, to the Treasurer of their respective Counties, previous to their respectively entering upon the execution of their offices, in such manner and in such sums, as shall be directed by the Legislature.

Superseded. See Art. Amend 22.
Con. 1786, Ch. 2, Sec. 24

SECTION 28th. The Treasurer's accounts shall be annually audited, and a fair state thereof laid before the General Assembly, at their session in October.

Treasurer's accounts.
Con. 1777, Ch. 2, Sec. 25.

SECTION 29th. Every officer, whether judicial, executive, or military, in autho[r]ity under this State, before he enters upon the execution of his office, shall take and subscribe the following oath or affirmation of allegiance to this State, (unless he shall produce evidence that he has before taken

Oaths of allegiance and office.
Con. 1777, Ch. 2, Sec 36.
Con. 1786, Ch. 2, Sec 26.
34 Vt. 517.
36 Vt. 329.
36 Vt. 387.

the same) and also the following oath or affimation of office, except military officers, and such as shall be exempted by the Legislature.

The Oath or Affirmation of Allegiance.

You do solemnly swear (or affirm) that you will be true and faithful to the State of Vermont, and that you will not, directly or indirectly, do any act or thing injurious to the Constitution or Government thereof, as established by Convention. (If an oath) *so help you God.* (If an affirmation) *under the pains and penalties of perjury.*

The Oath or Affirmation of Office.

You do solemny swear (or affirm) that you will faithfully execute the office of for the of ; and will therein do equal right and justice to all men, to the best of your judgment and abilities, according to law. (If an oath) *so help you God.* (If an affirmation) *under the pains and penalties of perjury.*

Residence of governor and lieutenant governor.

SECTION 30th. No person shall be eligible to the office of Governor or Lieutenant Governor, until he shall have resided in this state four years next preceding the day of his election.

Trials to be by jury.
Con. 1777, Ch. 2, Sec. 22, Con. 1786, Ch. 2, Sec. 28. 41 Vt. 504.

SECTION 31st. Trials of issues, proper for the cognizance of a Jury, in the Supreme and County Courts, shall be by Jury, except where parties otherwise agree; and great care ought to be taken to prevent corruption or partiality in the choice and return, or appointment of juries.

SECTION 32nd. All prosecution shall commence,

By the authority of the state of Vermont;— All indictments shall conclude with these words, *against the peace and dignity of the State*. And all fines shall be proportioned to the offences.

Form of prosecutions and indictments. Fines. Con. 1777, Ch. 2, Secs. 24, 26 Con. 1786, Ch. 2, Sec 29.

SECTION 33rd. The person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison after delivering up and assigning over *bona fide*, all his estate, real and personal, in possession, reversion or remainder, for the use of his creditors, in such manner as shall be hereafter regulated by law. And all prisoners, unless in execution, or committed for capital offences, when the proof is evident or presumption great, shall be bailable by sufficient sureties; nor shall excessive bail be exacted for bailable offences.

Imprisonment for debt restricted. Prisoners bailable. Con. 1777, Ch. 2, Secs. 25, 26. Con. 1786, Ch. 2, Sec. 30.

SECTION 34th. All elections, whether by the people or the legislature, shall be free and voluntary; and any elector who shall receive any gift or reward for his vote, in meat, drink, monies or otherwise, shall forfeit his right to elect at that time, and suffer such other penalty as the law shall direct; and any person who shall directly or indirectly, give, promise, or bestow, any such rewards to be elected, shall thereby be rendered incapable to serve for the ensuing year, and be subject to such further punishment as a future Legislature shall direct.

Elections free and voluntary. Penalty for bribery. Con. 1777, Ch. 2 Sec. 29. Con. 1786, Ch. 2 Sec. 31.

SECTION 35th. All deed and conveyances of land shall be recorded in the town Clerk's office in their respective towns; and for want thereof, in the county Clerk's office of the same county.

Record of deeds. Con. 1777, Ch. 2, Sec. 31. Con 1786, Ch. 2, Sec. 32. 26 Vt. 279.

SECTION 36th. The Legislature shall regulate entails in such manner as to prevent perpetuities.

Entails to be regulated.
Con. 1777, Ch. 2, Sec 34.

Con. 1786, Ch 2, Sec. 33. 15 Vt. 344.

SECTION 37th. To deter more effectually from the commission of crimes, by continued visible punishments of long duration, and to make sanguinary punishments less necessary, means ought to be provided for punishing by hard labor, those who shall be convicted of crimes not capital, whereby the criminal shall be employed for the benefit of the public, or for the reparation of injuries done to private persons: and all persons at proper times ought to be permitted to see them at their labor.

Punishment for crimes not capital to be by hard labor.
Con. 1777, Ch. Sec, 35.
Con. 1786, Ch. 2, Sec. 34

SECTION 38th. The estates of such persons as may destroy their own lives, shall not, for that offence be forfeited, but descend or ascend in the same manner as if such persons had died in a natural way. Nor shall any article which shall accidentally occasion the death of any person, be henceforth deemed a deodand, or in any wise forfeited on account of such misfortune.

Suicide's estate not forfeited. No deodand.
Con. 1786, Ch. 2, Sec. 35.

SECTION 39th. Every person, of good character, who comes to settle in this State, having first taken an oath or affirmation of allegiance to the same, may purchase, or by other just means acquire, hold and transfer land, or other real estate; and after one year's residence shall be deemed a free denizen thereof, and entitled to all rights of a natural born subject of this State, except that he shall not be capable of being elected Governor, Lieutenant Governor, Treasurer, Councillor or

Citizenship, how obtained. See Art. Amend. 1.
Con. 1777, Ch. 2, Sec. 38.
Con 1786, Ch 2, Sec. 36.

Representative in Assembly, until after two year's residence.

SECTION 40th. The inhabitants of this State shall have liberty in seasonable times, to hunt and fowl on the lands they hold, and on other lands not enclosed; and in like manner to fish in all boatable and other waters (not private property) under proper regulations, to be hereafter made and provided by the General Assembly.

Liberty to hunt fowl and fish.
Con. 1777, Ch. 2, Sec. 39
Con. 1786, Ch. 2, Sec. 37.
45 Vt. 258.

SECTION 41st. Laws for the encouragement of virtue and prevention of vice and immorality, ought to be constantly kept in force, and duly executed; and a competent number of schools ought to be maintained in each town, for the convenient instruction of youth: and one or more grammar schools be incorporated and properly supported, in each County in this State. And all religious societies, or bodies of men, that may be hereafter united or incorporated for the advancement of religion and learning, or for other pious and charitable purposes, shall be encouraged and protected in the enjoyment of the privileges, immunities, and estates, which they in justice ought to enjoy, under such regulations as the General Assembly of this state shall direct.

Laws to encourage virtue and prevent vice. Schools to be maintained, and religious societies encouraged.
Con. 1777, Ch. 2, Secs. 40, 41.
Con 1786, Ch. 2, Sec. 38
7 Vt. 241
10 Vt. 241.
18 Vt. 511.

SECTION 42nd. The declaration of the political rights and privileges of the inhabitants of this State, is hereby declared to be a part of the Constitution of this Commonwealth; and ought not to be violated on any pretense whatsoever.

Declaration of rights not to be violated.
Con. 1777, Ch. 2, Sec. 43
Con. 1786, Ch. 2, Sec. 39.

SECTION 43rd. In order that the freedom of this Commonwealth may be preserved inviolate forever, there shall be chosen, by ballot, by the Freemen of this State, on the last Wednesday in March, in the year *one thousand seven hundred and ninety-nine*, and on the last Wednesday in March in every seven years thereafter, thirteen persons, who shall be chosen in the same manner the Council is chosen, except they shall not be out of the Council or General Assembly, to be called the Council of Censors; who shall meet together on the first Wednesday of June next ensuing their election, the majority of whom shall be a quorum in every case, except as to calling a Convention, in which two-thirds of the whole number elected shall agree; and whose duty it shall be to inquire, whether the Constitution has been preserved inviolate in every part, during the last septenary, (including the year of their service); and whether the legislative and executive branches of government have performed their duty, as guardians of the people, or assumed to themselves, or exercised, other or greater powers than they are entitled to by the Constitution:—They are also to inquire, whether the public taxes have been justly laid and collected in all parts of this Common wealth—in what manner the public monies have been disposed of—and whether the laws have been duly executed.—For these purposes they shall have power to send for persons, papers, and records—they shall have authority to pass public censures, to order impeachments, and to recommend to the Legislature the repealing such laws as shall appear to them to have been passed, contrary to the principles of the Constitution: These powers they shall continue to have for and during the space of one year from the day of

Abrogated. See Art. Amend., 25. Con. 1777, Ch. 2, Art. 44. Con. 1786, Ch. 2, Art. 40.

their election, and no longer. The said Council of Censors shall also have power to call a Convention, to meet within two years after their sitting, if there appears to them an absolute necessity of amending any article of this constitution, which may be defective—explaining such as may be thought not clearly expressed—and of adding such as are necessary for the preservation of the rights and happiness of the people; but the articles to be amended, and the amendments proposed, and such articles as are proposed to be added or abolished, shall be promulgated at least six months before the day appointed for the election of such Convention, for the previous consideration of the people, that they may have an opportunity of instructing their delegates on the subject.

ARTICLES OF AMENDMENT.

ARTICLE [1.] No person who is not already a freeman of this State shall be entitled to exercise the privileges of a freeman unless he be a natural born citizen of this or some one of the United States, or until he shall have been naturalized agreeably to the acts of Congress.

Naturalization.

ARTICLE [2.] The most numerous branch of the Legislature of this State shall hereafter be styled the House of Representatives.

House of representatives. Con. Ch. 2, Secs. 1, 2, 8, 9.

ARTICLE [3.] The Supreme Legislative power of this State shall hereafter be exercised by a Senate and the House of Representatives; which shall be styled "The General Assembly of the State of Vermont."—Each shall have and exercise the like powers in all acts of Legislation; and

General assembly. Like powers of senate and house of legislation. Revenue bills. Adjournment.

Con. Ch. 2, Secs. 2, 9. no bill, resolution, or other thing, which shall have been passed by the one, shall have the effect of, or be declared to be, a law without the concurrence of the other. *Provided*, That all revenue bills shall originate in the House of Representatives,—but the Senate may propose or concur with amendments, as on other bills. Neither House during the session of the General Assembly, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that, in which the two Houses shall be sitting,—and in case of disagreement between the two Houses, with respect to adjournment, the Governor may adjourn them to such time as he shall think proper.

Article [4.] The Senate shall be composed of Superseded. See Art. Amend., 23. thirty Senators, to be of the freemen of the County for which they are elected, respectively, who are thirty years of age or upwards, and to be annually elected by the freemen of each County respectively.—Each County shall be entitled to one Senator, at least, and the remainder of the Senators shall be apportioned to the several Counties according to their population, as the same was ascertained by the last Census, taken under the authority of the United States,—regard being always had, in such apportionment, to the Counties having the greatest fraction. But the several Counties shall, until after the next Census of the United States, be entitled to elect, and have their Senators, in the following proportion, to wit:

Bennington County, two; Windham County three; Rutland County, three; Windsor County, four; Addison County, three; Orange County three; Washington County, two; Chittenden County, two; Caledonia County, two; Franklin County, three; Orleans

County, one; Essex County, one; Grand Isle County, one.

The Legislature shall make a new apportionment of the Senators, to the several Counties, after the taking of each Census of the United States, or Census taken, for the purpose of such apportionment, by order of the Government of this State—always regarding the above provisions in this article.

ARTICLE [5.] The freemen of the several towns in each County shall annually, give their votes for the Senators, apportioned to such County, at the same time, and under the same regulations, as are now provided for the election of Councillors.—And the person or persons, equal in number to the number of Senators, apportioned to such County, having the greatest number of legal votes, in such County respectively, shall be the Senator or Senators, of such County.—At every election of Senators, after the votes shall have been taken, the Constable or presiding officer, assisted by the Selectmen and civil authority present, shall sort and count the said votes, and make two lists of the names of each person, with the number of votes given for each annexed to his name, a record of which shall be made in the Town Clerk's office, and shall seal up his said lists, separately, and write on each the name of the town, and these words, "Votes for Senator," or "Votes for Senators," as the case may be, one of which lists shall be delivered by the presiding officer, to the Representative of said town, (if any) and if none be chosen, to the Representative of an adjoining town, to be transmitted to the President of the Senate;—the other list, the said presiding officer, shall within ten days, deliver to the Clerk of the County Court, for the same

Election of senators. See Art. Amend., 24. Con. Ch. 2, Sec. 10.

County,—and the Clerk of each County Court, respectively, or in case of his absence, or disability, to the Sheriff of such County, or in case of the absence or disability of both, to the High Bailiff of such County, on the tenth day after such election, shall publicly, open, sort, and count said votes;—and make a record of the same in the office of the Clerk of such County Court, a copy of which he shall transmit to the Senate:—and shall also within ten days thereafter, transmit to the person or persons elected, a certificate of his or their election. *Provided*, However, that the General Assembly shall have power to regulate by Law the mode of balloting for Senators, within the several Counties, and to prescribe the means, and the manner by which the result of the balloting shall be ascertained, and through which the Senators chosen shall be certified of their election, and for filling all vacancies in the Senate, which shall happen by death, resignation or otherwise. But they shall not have power to apportion the Senators to the several Counties, otherwise, than according to the population thereof agreeably to the provisions herein before ordained.

Powers of the senate. Lieutenant-governor's duties. Con.Ch.2,Secs. 9, 11.

ARTICLE [6.] The Senate shall have the like powers to decide on the election and qualifications of, and to expel any of its members, make its own rules, and appoint its own officers, as are incident to or are possessed by, the House of Representatives. A majority shall constitute a quorum. The Lieut. Governor shall be President of the Senate, except when he shall exercise the office of Governor, or when his office shall be vacant, or in his absence, in which cases the Senate shall appoint one of its own members, to be President of the Senate *pro tempore*. And the President of the Senate shall have a casting vote, but no other.

ARTICLE [7.] The Senate shall have the sole power of trying and deciding upon all impeachments—when sitting for that purpose, they shall be on oath, or affirmation, and no person shall be convicted, without the concurrence of two-thirds of the members present. Judgment in cases of impeachment, shall not extend farther than to removal from office—and disqualification to hold or enjoying any office of honor, or profit, or trust, under this State. But the party convicted shall, nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

Senate to try impeachments. Extent of judgment. Con. Ch. 2, Secs. 21, 24.

ARTICLE [8.] The Supreme Executive power of the State, shall be exercised by the Governor, or, in case of his absence, or disability, by the Lieut. Governor; who shall have all the powers, and perform all the duties vested in, and enjoined upon the Governor and Council, by the Eleventh and Twenty-seventh Sections of the second Chapter of the Constitution, as at present established, excepting that he shall not sit as a judge, in case of impeachment, nor grant reprieve or pardon, in any such case; nor shall he command the forces of the State in person, in time of war, or insurrection; unless by the advice and consent of the Senate; and no longer than they shall approve thereof. The Governor may have a Secretary of civil and military affairs, to be by him appointed during pleasure, whose services he may at all times command; and for whose compensation provision shall be made by law.

Governor supreme Executive; his powers. See Art. Amend. 22. Con. Secs. 11, 24, 27.

ARTICLE [9.] The votes for Governor, Lieut. Governor, and Treasurer, of the State, shall be sorted and counted, and the result declared, by a committee appointed by

General assembly's powers in election of governor, lieutenant governor

and treasurer. Con. Ch. 2, Sec. 10.

the Senate and House of Representatives. If, at any time, there shall be be no election, by the freemen, of Governor, Lieut. Governor, and Treasurer, of the State, the Senate and House of Representatives shall, by a joint ballot, elect to fill the office, not filled by the freemen as aforesaid, one of the three candidates for such office, (if there be so many) for whom the greatest number of votes shall have been returned.

General assembly to elect certain state officers. Con. Ch. 2, Sec 9.

ARTICLE [10.] The Secretary of State, and all officers, whose elections are not otherwise provided for, and who under the existing provisions of the Constitution, are elected by the Council and House of Representatives, shall, hereafter, be elected by the Senate and House of Representatives in joint assembly, at which the presiding officer of the Senate, shall preside; and such presiding officer in such joint assembly shall have a casting vote, and no other.

Bills to be presented to the governor before becoming laws. To be signed by him if approved Veto and proceedings thereon. Bills not returned Con Ch. 2, Sec 16. 44 Vt 366

ARTICLE [11.] Every bill which shall have passed the Senate and House of Representatives, shall, before it become a law, be presented to the Governor; if he approve, he shall sign it; if not, he shall return it with his objections in writing, to the House, in which it shall have originated; which shall proceed to reconsider it. If, upon such reconsideration, a majority of the House shall pass the bill, it shall, together with the objections, be sent to the other House, by which, it shall, likewise, be reconsidered, and, if approved by a majority of that House, it shall become a law. But, in all such cases, the votes of both

Houses shall be taken by yeas and nays, and the names of the persons, voting for or against the bill, shall be entered on the journal of each House, respectively. If any bill shall not be returned by the Governor, as aforesaid, within five days, (Sundays excepted) after it shall have been presented to him, the same shall become a law, in like manner, as if he had signed it, unless the two Houses, by their adjournment, within three days after the presentment of such bill, shall prevent its return; in which case, it shall not become a law.

ARTICLE [12.] The Writ of Habeas Corpus shall in no case be suspended.—It shall be a writ, issuable of right; and the General Assembly shall make provision to render it a speedy and effectual remedy in all cases proper therefor. **Habeas corpus.**

ARTICLE [13.] Such parts and provisions only of the Constitution of this State, established by Convention on the ninth day of July, one thousand seven hundred and ninety-three, as are altered or superseded by any of the foregoing amendments, or are repugnant thereto, shall hereafter cease to have effect. **Effect of eleven preceding articles of amendment.**

ARTICLE [14.] The Assistant Judges of the County Court shall be elected by the Freemen of their respective Counties. **Freemen to elect assistant judges of the county court.**

Con Ch. 2, Sec. 9.

ARTICLE [15.] Sheriffs and High Bailiffs shall be elected by the Freemen of their respective Counties. **Freemen to elect sheriffs and high bailiffs.**

58 Vt. 207.

ARTICLE [16.] State's Attorneys shall be elected by the Freemen of their respective Counties. **Freemen to elect state's attorneys**

58 Vt. 207.

ARTICLE [17.] Judges of Probate shall **Freemen to elect**

Judges of probate. Con. Ch. 2, Sec. 9.

be elected by the Freemen of their respective Probate Districts.

Freemen to elect justices of the peace. Number in each town. Con.Ch. 2, Sec. 9. 38 Vt. 477.

ARTICLE [18.] Justices of the Peace shall be elected by the Fremen of their respective towns; and towns having less than one thousand inhabitants may elect any number of Justices of the Peace not exceeding *five;* towns having one thousand, and less than two thousand inhabitants, may elect *seven*; towns having two thousand and less than three thousand inhabitants, may elect *ten*; towns having three thousand and less than five thousand inhabitants, may elect *twelve*; and towns having five thousand, or more, inhabitants, may elect *fifteen* Justices of the Peace.

Officers named in five preceding articles to be elected by ballot. See Art. Amend., 24.

ARTICLE [19.] All the officers named in the preceding articles of amendment shall be annually elected by ballot and shall hold their offices for one year, said year commencing on the first day of December next after their election.

Election of assistant judges of the county court, sheriffs, high bailiffs, state's attn'ys, judges of probate and justices of the peace; their commissions. See Art. Amend., 24. Con. Art. Amend., 5.

ARTICLE [20.] The election of the several officers mentioned in the preceding articles, excepting town Representatives, shall be made at the times and in the manner now directed in the Constitution for the choice of Senators. And the presiding officer of each Freemen's meeting, after the votes shall have been taken, sorted and counted, shall, in open meeting, make a certificate of the names of each person voted for, with the number of votes given for each, annexed to his name and designating the office for which the votes were given a record of which shall be made in the Town Clerk's office and he shall seal up said certificate, and shall write thereon the name of the

town and the words, *Certificate of Votes for*———— and add thereto, in writing, the title of the office voted for, as the case may be, and shall deliver such certificate to some Representative chosen as a member of the General Assembly, whose duty it shall be to cause such certificate of votes to be delivered to the Committee of the General Assembly appointed to canvass the same. And at the sitting of the General Assembly, next after such balloting for the officers aforesaid, there shall be a Committee appointed of and by the General Assembly, who shall be sworn to the faithful discharge of their duty, and whose duty it shall be to examine such certificates and ascertain the number of votes given for each candidate, and the persons receiving the largest number of votes for the respective offices, shall be declared duly elected, and by such Committee be reported to the General Assembly, and the officers so elected shall be commissioned by the Governor. And if two or more persons designated for any one of said offices, shall have received an equal number of votes, the General Assembly shall elect one of such persons to such office.

Legislature to provide for vacancy in offices of governor and lieutenant governor. Governor may appoint a treasurer to fill vacancy. See Art. Amend. 24

ARTICLE [21.] The term of office of the Governor, Lieutenant Governor, and Treasurer of the state, respectively, shall commence when they shall be chosen and qualified, and shall continue for the term of one year, or until their successor shall be chosen and qualified, or to the adjournment of the session of the Legislature, at which, by the constitution and laws, their successors are required to be chosen, and not after such adjournment. And the Legislature shall provide, by general law, declaring what officer shall act as Governor whenever there shall be a vacancy

in both the offices of Governor and Lieutenant Governor, occasioned by a failure to elect, or by the removal from office, or by the death, resignation, or inability of both Governor and Lieutenant Governor, to exercise the powers and discharge the duties of the office of Governor; and such officer, so designated, shall exercise the powers and discharge the duties appertaining to the office of Governor accordingly until the disability shall be removed, or a Governor shall be elected. And in case there shall be a vacancy in the office of Treasurer, by reason of any of the causes enumerated, the Governor shall appoint a Treasurer for the time being, who shall act as Treasurer until the disability shall be removed, or a new election shall be made.

Securities to be given by treasurer, sheriffs and high bailiffs. Con. Ch. 2, Sec. 27 29 Vt, 104. 36 Vt. 371.

ARTICLE [22.] The Treasurer of the State shall, before entering upon the duties of his office, give sufficient security to the Secretary of State, in behalf of the State of Vermont, before the Governor of the State of one of the Judges of the Supreme Court. And Sheriffs and High Bailiffs, before entering upon the duties of their respective offices, shall give sufficient security to the Treasurer of their respective Counties, before one of the Judges of the Supreme Court, or the two Assistant Judges of the County Court of their respective Counties, in such manner and in such sums as shall be directed by the Legislature.

Senators; their number, qualifications and apportionment. See Art. Amend. 24. Con. Art. Amend., 24.

ARTICLE [23.] The Senate shall be composed of thirty Senators, to be of the Freemen of the County for which they are elected, respectively, who shall have attained the age of thirty years, and they shall be elected annually by the Freemen of each County respectively.

The Senators shall be apportioned to the several Counties, according to the population, as ascertained by the census taker under the authority of Congress in the year 1840, regard being always had in such apportionment to the Counties having the largest fraction, and giving to each County at least one Senator.

The Legislature shall make a new apportionment of the Senators to the several Counties, after the taking of each census of the United States, or after a census taken for the purpose of such apportionment, under the authority of this State, always regarding the above provisions of this article.

ARTICLE [24.] SECTION 1. The General Assembly shall meet on the first Wednesday of October, bienially; the first election shall be on the first Tuesday of September, A. D. 1870; the first session of the General Assembly on the first Wednesday of October, A. D. 1870.

Biennial sessions. Con. Ch. 2, Sec. 9.

SECTION 2. The Governor, Lieutenant Governor, Treasurer of State, senators, town representatives, assistant judges of the county court, sheriffs, high bailiffs, State's attorney judges of probate and justices of peace, shall be elected bienally, on the first Tuesday of September, in the manner prescribed by the Constitution of the State.

Biennial elections. Con Ch. 2, Secs. 8, 9, 10. Arts. Amend., 5, 19, 20, 23.

SECTION 3. The term of office of the Governor, Lieutenant Governor, and Treasurer of the State, respectively, shall commence when they shall be chosen and qualified, and shall continue for the term of two years, or until their successor shall be chosen and qualified, or to the adjournment of the session of the Legislature at which, by the Con-

Term of office of governor, lieutenant-governor and treasurer. Con. Art. Amend., 21.

stitution and laws, their successors are required to be chosen, and not after such adjournment.

Term of office of senators and representatives.

SECTION 4. The term of office of senators and town representatives shall be two years, commencing on the first Wednesday of October following their election.

Term of office of county officers. Con. Art Am 19.

SECTION 5. The term of office of the assistant judges of the county court, sheriffs, high bailiffs, State's attorneys, judges of probate and justices of the peace, shall be two years, and shall commence on the first day of December next after their election.

Mode of amending constitution.

ARTICLE [25.] SECTION 1. At the session of the General Assembly of this State, A. D. 1880, and at the session thereof every tenth year thereafter, the Senate may, by a vote of two-thirds of its members, make proposals of amendment to the Constitution of. the State, which proposals of amendment, if concurred in by a majority of the members of the House of Representatives, shall be entered on the journals of the two Houses, and referred to the general Assembly then next to be chosen, and be published in the principal newspapers of the State; and if a majority of the members of the Senate and of the House of Representatives of the next following General Assembly shall respectively concur in the same proposals of amendment, or any of them, it shall be the duty of the General Assembly to submit the proposals of amendment so concurred into a direct vote of the freemen of the State; and such of said proposals of amendment as shall receive a majority of the votes of the freemen voting thereon shall become a part of the Constitution of this State.

SECTION 2. The General Assembly shall direct the

manner of voting by the people upon the proposed amendments, and enact all such laws as shall be necessary to procure a free and fair vote upon each amendment proposed, and to carry into effect all the provisions of the preceding section.

General assembly to direct manner of voting on amendments.

SECTION 3. The House of Representatives shall have all the power now possessed by the Council of Censors to order impeachments which shall in all cases be by a vote of two-thirds of its members.

House of representatives may order impeachments. Con. Ch. 2, Sec. 43.

SECTION 4. The forty-third section of the second part of the Constitution of this State is hereby abrogated.

Council of censors abolished.

ARTICLE [26.] The Judges of the Supreme Court shall be elected biennially, and their term of office shall be two years.

Term of office of judges of supreme court.

ARTICLE [27.] SECTION 1. The representatives having met on the day appointed by law for the commencement of a biennial session of the General Assembly, and chosen their Speaker and the Senators having met, shall, before they proceed to business, take and subscribe the following oath in addition to the oath now prescribed:

Oath as to office of profit or trust under congress.

"*You,* , *do solemnly swear* (*or affirm*) *that you did not at the time of your election to this body, and that you do not now hold, any office of profit or trust under the authority of Congress. So help me God.*" Or, in case of affirmation, "*Under the pains and penalties of perjury.*"

SECTION 2. The words "*office of profit or trust under the authority of Congress*" shall be constructed to mean any office created directly or indirectly by Congress, and for which emolu-

Words "office of profit and trust," etc.,

ment is provided from the Treasury of the United States: construed.

ARTICLE [28.] SECTION 1. The Secretary of State and Auditor of accounts shall be elected by the freemen of the State upon the same ticket with the Governor, Lieutenant Governor, and Treasurer.

Election of secretary of state and auditor of accounts.

SECTION 2. The Legislature shall carry this article into effect by appropriate Legislation.

Legislature to carry into effect.

NOTE.

ADOPTION OF THE CONSTITUTION.

The convention which declared Vermont a free and independent state, recommended, at its last session, at Windsor, June 4, 1777, to the freeholders and inhabitants of each town in the state that they should, on the 23d of June, choose delegates to attend a general convention at the meeting-house in Windsor, July 2, 1777, to choose delegates to Congress, a committee of safety, and to form a constitution for the state. This general convention met at Windsor, July 2, "did compose and agree unanimously on a constitution," and adjourned July 8. The first election under this constitution was to be held in December, 1777, when representatives were to be chosen to a general assembly to meet at Bennington in January, 1778. The president of the convention was Capt. Joseph Bowker.

November 25, 1777, the council of safety requested Capt. Bowker to "call together the old convention," to meet at Windsor, December 24, adding that "the business of the convention will be to adjourn the meeting of the general assembly." The convention

re-assembled December 24; and postponed the day of election until the first Tuesday of March, 1778, and the inauguration of the state government until the second Thursday, which was the 12th day of March, 1778. The council of safety, February 6, 1778, announced that the Constitution was printed and would be distributed.

The groundwork of the constitution of 1777 was the Pennsylvania constitution of 1776, which had been recommended to the inhabitants of Vermont, as a model, by Dr. Thomas Young. The Pennsylvania convention, of which Benjamin Franklin was president, met July 15, 1776, and adjourned September 28, 1776; and Bancroft says it was a "convention composed of new men, and guided mainly by a schoolmaster, the honest but inexperienced James Cannon," and "formed a constitution under the complex influence of abstract truths, and an angry quarrel with the supporters of the old charter of the colony. It extended the elective franchise to every resident taxpayer; while, with the approbation of Franklin, it concentrated legislative power in a single assembly." Radical as were the changes in the government of Pennsylvania made by that convention, much of the early form of law in that colony was kept. So that parts of the Vermont constitution find their origin in the charter of privileges granted by William Penn in 1701; in the "frame of government" granted by Penn in 1696; in the two earlier frames of government granted by him in 1682 and 1683; and even in the charter for Pennsylvania granted March 4, 1681, by King Charles the Second to William Penn. The time has been when these old forms would have aided in the interpretation of our constitution; perhaps now their only use is to gratify the curious.

The Vermont constitution of 1777 had in its decla-

ration of rights nineteen articles and in its frame of government forty-four sections; the Pennsylvania constitution had in its declaration sixteen articles and in its frame forty-seven sections. Fourteen articles in the Vermont declaration of rights, and twenty-seven sections in the Vermont frame of government, are in substance, and in some cases in wording, identical with the same number of articles and sections in the Pennsylvania constitution. The fourteen Vermont articles thus taken without noticeable change from the Pennsylvania declaration, are the following; the corresponding numbers of the Pennsylvania articles being given in the line beneath the Vermont number:

Vt. Const. of 1777, Dec. of rights, Arts., 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18.

Pa. Const. of 1776, Dec. of rights, Arts., 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16.

And the twenty-seven sections of the Vermont frame of government, in like manner taken from the Pennsylvania frame, are the following; the numbering of the Pennsylvania sections adopted being given beneath the Vermont numbers:

Vt. Const. of 1777, Frame of Govt., Secs., 1, 2, 3, 4, 5, 8, 10, 11, 12, 14, 18.

Pa. Const. of 1776, Frame of Govt., Secs., 1, 2, 3, 4, 5, 9, 11, 12, 13, 15, 20.

Vt. Const. of 1777, Frame of Govt., Secs , 19, 20, 21, 22, 24, 25, 26, 29, 32.

Pa. Const. of 1776, Frame of Govt., Secs., 21, 22, 24, 25, 27, 28, 29, 32, 35.

Vt. Const. of 1777, Frame of Govt., Secs., 33, 34, 35, 37, 38, 40, 43.

Pa. Const. of 1776, Frame of Govt., Secs. 36, 37, 39, 41, 42, 44, 46.

But the Vermont constitution of 1777 was not a mere copy of the Pennsylvania model. The changes

made were many and important. In the préamble no change of substance was made except that there was inserted a recital of charges against New York, which recital followed very closely the "Complaints" set forth June 4, 1777, by the convention that declared Vermont independent.

In the Vermont declaration of rights articles 2, 12 and 19 were added, as was the second part of article 1 wherein slavery was prohibited. Article 3, which was article 2 in the Pennsylvania declaration, was changed by adding the Sabbath observance clause and limiting security for full civil rights to those who professed the Protestant religion.

In the Vermont frame of government sections 28 and 42 were added; and sections 6, 23 and 38 of the Pennsylvania frame were dropped. Section 7 changed the right of suffrage from a tax-paying to a manhood basis, and added the freeman's oath. Section 6 changed the qualifications of representatives. Section 9 (which was 10 in the Pennsylvania frame) changed the religious test by adding to the declaration to be subscribed by each representative the words, "and own and profess the Protestant religion." Section 13 was slightly changed from 14 of the Pennsylvania frame. Section 15 left off the requirement in regard to the seal of the laws which Section 16 of the Pennsylvania frame provided for. Section 16(answering to Section 17 and 18 of the Pennsylvania frame) entirely changed the system of representation, making it a town system in place of the districts provided for in Pennsylvania according to the number of taxable inhabitants. Section 17 (19 of the Pennsylvania frame) changed the method of electing the council from a choice of counties to an election by general ticket by the whole state; gave the choice of governor and lieutenant governor (called in Pennsylvania the pres-

ident and vice-president) to the freeman at large in the first instance, instead of requiring them to be chosen of the council by joint ballot of the council and house of representatives; and gave the choice of treasurer to the freemen instead of the house of representatives. Section 23 did not follow Section 26 of the Pennsylvania frame very closely. Section 27 was very unlike Sections 30 and 31 of the Pennsylvania frame, the place of which sections it took. Sections 30 and 31 were considerably changed from the Pennsylvania sections 33 and 34; and the form of the oath in section 36 was somewhat changed from that in Section 40 of the Pennsylvania frame. In Section 39 and 41 slight changes were made from Pennsylvania Sections 43 and 45. And Section 44(47 of the Pennsylvania frame) fixed thirteen as the number of members to form the council of censors and gave their election to the freemen by general ticket, whereas Pennsylvania provided that each city and county might elect two members of the council of censors.

It has been deemed best to give here the constitution adopted in 1777; without however reprinting such sections as have the same wording as in the constitution of 1793, or those where the wording is so slightly changed that space may be saved by a reference to the corresponding section of that of 1793, noting the change. Reference is also made to the constitution of 1786.

THE CONSTITUTION OF 1777.

[See Preamble, 1786, which was expunged in 1793.]

WHEREAS all Government ought to be instuted and supported, for the Security and Protection of the Community as such, and to enable the Individuals who compose it, to enjoy their natural rights, and the other blessings which the Author of Existence has bestowed upon man; and whenever those great ends of Government are not obtained, the People have a right, by common consent, to change it, and take such measures, as to them may appear necessary to promote their safety and Happiness.

And Whereas the Inhabitants of this State have, (in consideration of Protection only) heretofore acknowledged allegiance to the King of Great Britain, and the said King has not only withdrawn that Protection, but commenced, and still continues to carry on, with unabated Vengeance, a most cruel and unjust War against them; employing therein, not only the Troops of Great Britain, but foreign Mercenaries, Savages and Slaves, for the avowed purpose of reducing them to a total and abject Submission to the despotic domination of the British Parliament, with many other Acts of Tyranny, (more fully set forth in the Declaration of Congress) whereby all Allegiance and Fealty to the said King and his Successors, are dissolved and at an End; and all power and authority derived from him, ceased in the American Colonies.

And Whereas the Territory which now comprehends the State of Vermont, did antecedently of right belong to the Government of New Hampshire; and the former Governor thereof, vizt: his Excellency Benning Wentworth Esqr. granted many Charters of Lands and Corporations, within this State, to the present Inhabitants and others. And Whereas the

late Lieutenant Governor Colden, of New York, with others, did, in violation of the tenth Command, covet those very lands; and by a false representation made to the Court of Great Britian, (in the year 1764, that for the convenience of trade, and administration of Justice, the Inhabitants were desirous of being annexed to that Government) obtained Jurisdiction of those very identical lands ex-parte whichever was, and is disagreeable to the Inhabitants. And Whereas the Legislature of New York, ever have and still continue to disown the Good People of this State, in their landed property, which will appear in the Complaints hereafter inserted, and in the 36th Section of their present Constitution, in which is established the Grants of Land made by that Government.

They have refused to make re-grants of our lands to the original Proprietors and Occupants, unless at the exhorbitant rate 2300 Dollars fees for each township; and did enhance the Quit-rent three-fold, and demanded an immediate delivery of the title derived before from New Hampshire.

The judges of their supreme Court have made a solemn declaration, that the Charters, Conveyances, &c., of the Lands included in the before described Premises, were utterly null and void, on which said Title was founded. In consequence of which declaration, Writs of Possession have been by them issued, and the She iff of the County of Albany sent at the head of six or seven hundred men, to enforce the Execution thereof.

They have passed an Act, annexing a Penalty thereto, of thirty Pounds fine, and six Months Imprisonment, on any person who should refuse assisting the Sheriff, after being requested, for the purpose of executing Writs of Possession.

The Governors, Dunmore, Tyron, and Colden, have

made re-grants of several tracts of land included in the Premises, to certain favorite Land-Jobbers in the Government of New York, in direct violation of his Britannic Majestey's express Prohibition, in the year 1767.

They have issued Proclamations, wherein they have offered large Sums of money for the purpose of apprehending those very persons who have dared boldly, and publicly to appear in defence of their just rights.

They did pass twelve Acts of Outlawry on the 9th day of March, A. D. 1774, impowering the respective Judges of their supreme Court, to award Execution of Death against those inhabitants in said District, that they should judge to be Offenders, without trial.

They have and still continue an unjust claim to those Lands, which greatly retards Emigration into, and the Settlement of, this State.

They have hired foreign troops, Emigrants from Scotland, at two different times, and armed them to drive us out of Possession.

They have sent the Savages on our Frontiers, to distress us.

They have proceeded to erect the Counties of Cumberland and Gloucester, and establish Courts of Justice there, after they were discountenanced by the Authority of Great Britain.

The free Convention of the State of New York, at Harlaem, in the year 1776, unanimously voted "that all quit rents, formerly due to the King of Great Britain, are now due and owing to this Convention, or such future Government as shall hereafter be established in this State."

In the several Stages of the aforesaid Oppressions, we have petitioned his Britannic Majesty in the most humble manner for redress, and have at very great expense, received several reports in our favor and

in other instances, wherein we have petitioned the late legislative Authority of New York, those Petitions have been treated with neglect.

And whereas the local Situation of this State from New York, at the extreme part, is upward of four hundred and fifty miles from the Seat of that Government, renders it extreme difficult to continue under the Jurisdiction of said State.

Therefore it is absolutely necessary for the welfare and safety of the inhabitants of this State, that it should be henceforth a free and independent State, and that a just, permanent and proper form of Government, should exist in it, derived from, and founded on the Authority of, the people only agreeable to the Direction of the honorable American Congress.

We the Representatives of the Freemen of Vermont, in General Convention met, for the express purpose of forming such a Government; confessing the Goodness of the Great Governor of the universe (who alone knows to what degree of earthly happiness Mankind may attain by perfecting the Arts of Government) in permitting the People of this State, by common Consent, and without violence, deliberately to form for themselves such just rules as they shall think best for governing their future Society; And being fully convinced that it is our indispensable duty, to establish such original Principles of Government as will best promote the General Happiness of the People of this State, and their Prosterity, and provide for future Improvements, without Partiality for, or Prejudice against, any particular Class, Sect, or Denomination of Men whatever; Do, by virtue of Authority vested in us, by our Constituents, ordain, declare, and establish the following declaration of Rights, and Frame of Government, to be the CONSTITUTION of this COMMONWEALTH, and to remain in force therein forever,

unaltered, except in such Articles, as shall, hereafter on Experience be found to require improvement, and which shall, by the same Authority of the People, fairly delegated, as this frame of Government directs, be amended or improved, for the more effectual obtaining and securing the great End and design of all Government, herein before mentioned.

CHAPTER I.

A DECLARATION OF THE RIGHTS OF THE INHABITANTS OF THE STATE OF VERMONT.

ARTICLE 1. [Same as Art. 1, 1786, and Art. 1, 1793.]

ART. 2. [Same as Art. 2, 1786. Same as Art. 2, 1793, except that the latter changes "particular man's" to "person's."]

ART. 3. [See Art. 3, 1786, and Art. 3, 1793.] That all men have a natural and unalienable Right to worship ALMIGHTY GOD according to the Dictates of their own Consciences and Understanding, regulated by the word of GOD; and that no man ought, or of right can be compelled to attend religious Worship, or erect, or support, any place of Worship, or maintain any minister contrary to the Dictates of his Conscience; nor can any man who professes the protestant Religion, be justly deprived or abridged of any civil right, as a Citizen, on account of his religious sentiment, or peculiar mode of religious Worship; and that no Authority can, or ought to be vested in, or assumed by any power whatsoever, that shall in any case interfere with, or in any manner control the Rights of Conscience, in the free exercise of religious worship; nevertheless, every Sect or Denomination of People ought to observe the Sabbath, or Lord's day, and keep up and support some sort of religious Worship, which to them shall seem most agreeable to the revealed Will of God.

ART. 4. [Same as Art. 5, 1786. Same as Art. 5, 1793, except that the latter changes "exclusive and inherent" to, inherent and exclusive."]

ART. 5. [Same as Art. 6, 1786, and Art. 6, 1793; except that they insert "in a legal way."]

ART. 6. [Same as Art. 7, 1786; and Art. 7, 1793; except that they change "reform, alter or abolish" to "reform or alter."]

ART. 7. [The wording of this article was changed in Art. 8, 1786; and the article was dropped in 1793.] That those who are employed in the legislative and executive Business of the State may be restrained from Oppression, the People have a right, at such periods as they may think proper, to reduce their public Officers to a Private Station, and supply the Vacancies by certain regular Elections.

ART. 8. [See Art. 9, 1786, and Art. 8, 1793.] That all Elections ought to be free; and that all freemen, having a sufficient evident common Interest with, and Attachment to the Community, have a right to elect Officers, or be elected into office.

ART. 9. [See Art. 10, 1786, and Art. 9, 1793.] That every member of Society hath a right to be protected in the Enjoyment of Life, Liberty and Property, and therefore is bound to contribute his Proportion towards the expense of that protection, and yield his personal service, when necessary, or an equivalent thereto; but no part of a man's Property can be justly taken from him, or applied to public Uses, without his own Consent, or that of his legal Representatives: Nor can any man, who is conscientiously scrupulous of bearing Arms, be justly compelled thereto, if he will pay such Equivalent: Nor are the People bound by any Law, but such as they have in like manner assented to, for their common Good.

ART. 10. [Same as Art. 11, 1786. Same as Art. 10,

1793, except that the latter changes "man" to "person" twice."]

ART. 11. [Same as Art. 12, 1786. Same as Art. 11, 1793, except that the latter changes "oaths or affirmations first made, affording a sufficient foundation" to "oath or affirmation first made, affording sufficient foundation."]

ART. 12. [Same as Art. 13, 1786. The article was dropped in 1793.] That no warrant or Writ to attach the Person or Estate of any freeholder within this State, shall be issued in civil Actions, without the person or persons who may request such warrant or Attachment, first make Oath, or affirm before the Authority who may be requested to issue the same, that he or they are in danger of losing his, her or their Debts.

ART. 13. [See Art. 14, 1786, and Art. 12, 1793.] That in Controversies respecting Property, and in Suits between man and man, the parties have a right to a trial by Jury, which ought to be held sacred.

ART. 14. [Same as Art. 15, 1786, and Art. 13, 1793; except that they insert "concerning the transactions of government and."]

ART. 15. [Same as Art. 18, 1786. Same as Art. 16, 1793, except that the latter changes "in the time" to "in time."]

ART. 16. [Same as Art. 20, 1786, and Art. 18, 1793; except that they insert "in a legal way," and that Art. 18, 1793, changes "in the making" to "in making."]

ART. 17. [Same as Art. 21, 1786. See Art. 19, 1793.] That all people have a natural and inherent right to emigrate from one State to another that will receive them; or to form a new State in vacant Countries, or in such Countries as they can purchase, when

ever they think that thereby they can promote their own Happiness.

ART. 18. [Same as Art. 22, 1786, and Art. 20, 1793.]

ART. 19. [Same as Art. 23, 1786, and Art. 21, 1793; except that they change at the end of the article "this State" to "the same."]

CHAPTER II.

PLAN OR FRAME OF GOVERNMENT.

SECTION 1. [Same as Sec. 1, 1786, and Sec. 1, 1793; except that they change "Deputy-Governor," to "or (Lieutenant Governor)."]

SEC. 2. [Same as Sec. 2, 1786. Same as Sec. 2, 1793, except that the latter changes "or Commonwealth" to "of the Commonwealth."]

SEC. 3. Same as Sec. 3, 1786. Same as Sec. 3, 1793, except that they insert "or, in his absence, a Lieutenant Governor."]

SEC. 4. [See Sec. 4, 1786, and Sec. 4, 1793.] Courts of Justice shall be established in every County in this State.

SEC. 5. [See Sec. 19, 1786, and Sec. 22, 1793.] The freemen of this Commomwealth, and their Sons, shall be trained and armed for its defence, under such Regulations, Restrictions, and Exceptions as the General Assembly shall by Law direct; preserving always to the People the right of choosing their Colonels of Militia, and all Commissioned Officers under that rank, in such manner, and as often as by the said Laws shall be directed.

SEC. 6. [See Sec. 18, 1786, and Sec. 21, 1793.] Every man of the full Age of twenty-one years, having resided in this State for the Space of one whole year next before the Election of Representatives, and who is of a quiet and peaceable Behavior, and will

take the following Oath (or Affirmation) shall be entitled to all the Privileges of a freeman of this State.

I solemnly swear by the ever-living God, (or affirm, in the presence of Almighty God,) that whenever I am called to give my vote or Suffrage, touching any matter that concerns the State of Vermont, I will do it so as in my Conscience I shall judge will most conduce to the best Good of the same, as established by the Constitution, without fear or favor of any man.

SEC. 7. [See Secs. 8 and 36, 1786; and Secs. 8 and 39, 1793.] The House of Representatives of the Freemen of this State, shall consist of Persons most noted for Wisdom and Virtue, to be chosen by the Freemen of every town in this State respectively. And no foreigner shall be chosen, unless he has resided in the town for which he shall be elected, one year immediately before said election.

SEC. 8. [See Secs. 9 and 8, 1786; and Secs. 9 and 8, 1793.] The members of the House of Representatives, shall be chosen annually by Ballot, by the freemen of this state, on the first Tuesday of September forever, (except this present year) and shall meet on the second Thursday of the succeeding October, and shall be styled The General Assembly of the Representatives of the freemen of *Vermont*, and shall have Power to choose their Speaker, Secretary of State, their Clerk, and other necessary Officers of the House—sit on their own adjournments—prepare Bills, and enact them into Laws—judge of the Elections and Qualifications of their own members:—They may expel a member, but not a second time for the same Cause:—They may administer oaths (or affirmations) on Examination of Witnesses—redress Grievances—impeach State Criminals—grant Charters of Incorporation—constitute towns, Boroughs, Cities and Counties, and

shall have all other Powers necessary for the legislature of a free State; But they shall have no power to add to, alter, abolish or infringe any part of this constitution. And for this present year the Members of the General Assembly shall be chosen on the first Tuesday of March next, and shall meet at the Meeting-House in Windsor, on the second Thursday of March next.

SEC. 9. [See Secs. 12 and 9, 1786; and Secs. 12 and 9 1793.] A Quorum of the House of Representatives, shall consist of two-thirds of the whole number of Members elected and having met, and chosen their Speaker, shall each of them, before they proceed to Business take and subscribe as well the oath of Fidelity and Allegiance, herein after directed, as the following Oath or Affirmation, viz:

I do solemnly swear by the ever-living God, (or I do solemnly affirm in the presence of Almighty God) that as a member of this Assembly, I will not propose or assent to any Bill, vote or Resolution, which shall appear to me injurious to the People, nor do or consent to any Act or thing whatever, that shall have a tendency to lessen or abridge their rights and privileges, as declared in the Constitution of this State; but will in all things conduct myself as a faithful, honest Representative and Guardian of the People according to the best of my judgment and abilities.

And each member, before he takes his Seat, shall make and subscribe the following Declaration, viz.:

I do believe in one God, the Creator and Governor of the Universe, the rewarder of the Good, the Punisher of the wicked. And I do acknowledge the Scripture, of the old and new Testament, to be given by divine Inspiration, and own and profess the Protestant Religion.

And no further or other religious test shall ever hereafter be required of any civil officer or magistrate in this State.

SEC. 10. [See Secs. 9 and 27, 1786. That part of the constitution of 1786 which contained the substance of this section, was of course dropped in 1793.] Delegates to represent this State in Congress, shall be chosen by Ballot, by the future General Assembly, at their first Meeting, and annually forever afterward, as long as such Representation shall be necessary. Any Delegate may be superseded at any time, by the General Assembly appointing another in his stead. No man shall sit in Congress longer than two years successively, nor be capable of re-election for three years afterwards; and no person who holds any office in the Gift of the Congress, shall thereafter be elected to represent this State in Congress.

SEC. 11. [This section was dropped in 1786.] If any town or towns shall neglect or refuse to elect and send Representatives to the General Assembly, two-thirds of the members of the towns, that do elect and send Representatives (provided they be a majority of the inhabited towns of the whole State) when met, shall have all the Powers of the General Assembly, as fully, and amply as if the whole were present.

SEC. 12. [See Sec. 13, 1786, and Sec. 13, 1793.] The Doors of the House in which the Representatives of the freemen of this State shall sit in General Assembly shall be and remain open for the Admission of all Persons who behave decently, except only when the Welfare of this State may require the Doors to be shut.

SEC. 13. [See Sec. 14, 1786, and Sec. 14, 1793.] The Votes and Proceedings of the General Assembly shall be printed weekly during their sitting, with the Yeas and Nays on any question, vote or Resolution,

where one-third of the members require it (except when the Votes are taken by Ballot) and when the Yeas and Nays are so taken, every member shall have a right to insert the reasons of his Votes upon the Minutes, if he desire it.

SEC. 14. [See Sec. 16. 1786, and Sec. 16, 1793.] To the end that Laws, before they are enacted, may be more maturely considered, and the inconveniency of hasty Determination as much as possible prevented, all Bills of public nature, shall be first laid before the Governor and Council, for their perusal and proposals of Amendment, and shall be printed for the Consideration of the people, before they are read in General Assembly for the last time of debate and amendment, except temporary Acts, which, after being laid before the Governor and Council, may (in case of sudden necessity) be passed into Laws; and no other shall be passed into Laws, until the next Session of Assembly. And for the more perfect Satisfaction of the public, the reasons and motives for making such laws, shall be fully and clearly expressed and set forth in their Preambles.

SEC. 15. [See Sec. 15, 1786, and Sec. 15, 1793.] The Stile of the Laws of this State shall be, Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the State of Vermont, in General Assembly met, and by the Authority of the same.

SEC. 16. [Same as Sec. 7, 1786, and Sec. 7, 1793.]

SEC. 17. [See Secs. 10 and 11, 1786, and Secs. 10 and 11, 1793. The section is the same as Sec. 10, 1786, and Sec. 10, 1793; with the following paragraph in addition.]

The Council that shall act in the recess of this Convention, shall supply the Place of a Council for the next General Assembly, until the new Council be declared chosen. The Council shall meet annually at

the same time and place with the General Assembly, and every member of the Council shall be a Justice of the Peace for the whole State by virtue of his Office.

SEC. 18. [See Sec. 11, 1786, and Sec. 11, 1793.] The Governor, and in his Absence the Lieutenant or Deputy Governor, with the Council, seven of whom shall be a Quorum, shall have Power to appoint and Commissionate all Officers (except those who are appointed by the General Assembly) agreeable to this frame of Government, and the Laws that may be made hereafter; and shall supply every vacancy in any office, occasioned by Death, Resignation, Removal or disqualification until the office can be filled in the time and manner directed by Law or this Constitution. They are to correspond with other States, and transact Business with Officers of Government civil and military; and to prepare such business as may appear to them necessary to lay before the General Assembly. They shall sit as Judges to hear and determine on Impeachments, taking to their assistance, for advice only, the Justices of the Supreme Court; and shall have Power to grant Pardons, and remit fines, in all Cases whatsoever, except cases of Impeachment—and in cases of Treason and Murder, shall have Power to grant Reprieves, but not to pardon, until the end of the next Sessions of Assembly; but there shall be no remission or mitigation of Punishment on Impeachments, except by Act of Legislation. They are also to take care that the Laws be faithfully executed. —They are to expedite the execution of such measures as may be resolved upon by General Assembly, and they may draw upon the Treasurer for such sums as may be appropriated by the House;—they may also lay Embargoes, or prohibit the Exportation of any Commodity, for any time not exceeding thirty days in the recess of the House only:—They may grant

such Licenses as shall be directed by Law; and shall have Power to call together the General Assembly, when necessary before the day to which they shall stand adjourned. The Governor shall be Commander in Chief of the Forces of the State, but shall not command in Person, except advised thereto by the Council, and then only as long as they shall approve thereof. The Governor and Council shall have a Secretary, and keep fair Books of their Proceedings, wherein any Councillor may enter his Dissent, with his reasons to support it.

SEC. 19. [Same as Sec. 20, 1786. Same as Sec. 23, 1793, except that the latter, at the end of the section changes "Council" to "Governor."]

SEC. 20. [Same as Sec. 21, 1786, except that the latter added "and may award costs." Same as Sec. 24, 1793, except that the latter has in addition "and may award costs; and no trial or impeachment shall be a bar to a prosecution at law."]

SEC. 21. [This section was dropped in 1786.] The Supreme Court, and the several Courts of Common Pleas of this State, shall, besides the Powers usually exercised by such Courts, have the Powers of a Court of Chancery, so far as relates to perpetuating Testimony—obtaining Evidence from places not within this State, and the Care of Persons and Estates of those who are *non compotes Mentis*, and such other powers as may be found necessary by future General Assemblies, not inconsistent with this Constitution.

SEC. 22. [See Sec. 28, 1786, and Sec. 31, 1793.] Trials shall be by jury; and it is recommended to the Legislature of this State, to provide by Law against every Corruption or Partiality in the Choice, and return, or appointment of Juries.

SEC. 23. [See Secs. 4 and 22, 1786, and Secs. 4 and 25, 1793.] All Courts shall be open, and Justice shall

be impartially administered, without Corruption or unnecessary Delay; all their Officers shall be paid an adequate but moderate Compensation for their Services:—And if any Officer shall take greater or other Fees than the Laws allow him, either directly or indirectly, it shall ever after disqualify him from holding any office in this State.

SEC. 24. [See Sec. 26, 1786, and Sec. 32, 1793.] All Prosecutions shall commence in the Name, and by the Authority of the Freemen of the State of Vermont; and all Indictments shall conclude with these Words, "against the Peace and Dignity of the same."—The stile of all Processes hereafter in this State, shall be, The State of Vermont.

SEC. 25. [See Sec. 30, 1786, and Sec. 33, 1793.] The Person of a Debtor, where there is not a strong Presumption of fraud, shall not be continued in Prison, after delivering up, bona fide, all his Estate, real and personal, for the Use of his Creditors, in such manner as shall be hereafter regulated by Law.—All Prisoners shall be bailable by sufficient securities, unless for capital offences, when the Proof is evident, or presumption great.

SEC. 26. [See Secs. 30 and 29, 1786; and Secs. 33 and 32, 1793.] Excessive Bail shall not be exacted for bailable offences: And all fines shall be moderate.

SEC. 27. [See Sec. 9, 1786, and Sec. 9, 1793.] That the General Assembly, when legally formed, shall appoint times and Places for County Elections; and at times and places, the freemen in each county respectively, shall have the Liberty of chosing the Judges of inferior Court of Common Pleas, Sheriff, Justices of the Peace, and Judges of Probates, commissioned by the Governor in Council during good Behaviour, removable by the General Assembly, upon Proof of Mal-administration.

SEC. 28. [This section was dropped in 1786.] That no person shall be capable of holding any civil office in this State, except he has acquired, and maintains a good moral Character.

SEC. 29. [See Sec. 31, 1786, and Sec. 34, 1793.] All Elections, whether by the People, or in General Assembly, shall be by Ballot, free and voluntary: And any Elector, who shall receive any Gift or reward for his Vote, in meat, drink, monies or otherwise, shall forfeit his Right to elect at that time, and suffer such other Penalty as future Laws shall direct. And any person who shall, directly or indirectly, give, promise or bestow any such rewards to be elected, shall thereby be rendered incapable to serve for the ensuing Year.

SEC. 30. [This section was dropped in 1786.] All Fines, Licence Money, fees and forfeitures, shall be paid according to the Direction hereafter to be made by the General Assembly.

SEC. 31. [Same as Sec. 32, 1786, and Sec. 35, 1793; except that they add "and, for want thereof, in the county Clerk's office of the same County."]

SEC. 32. [This section was dropped in 1786.] The Printing Presses shall be free to every person who undertakes to examine the Proceedings of the Legislature, or any part of Government.

SEC. 33. [See Sec. 22, 1886, and Sec. 25, 1793.] As every freemen, to preserve his independence (if without a sufficient Estate) ought to have some Profession, Calling, Trade or farm, whereby he may honestly subsist, there can be no Necessity for, nor use in establishing offices of Profit, the usual Effects of which are Dependence and Servility unbecoming freemen, in the Possessors or Expectants; Faction, Contention, Corruption and Disorder among the People.— But if any man is called into public service, to the

prejudice of his private affairs, he has a right to a reasonable Compensation; and whenever an office, through increase of fees, or otherwise, becomes so profitable as to occasion many to apply for it, the Profits ought to be lessened by the Legislature.

SEC. 34. [See Sec. 33, 1786, and Sec. 36, 1793.] The future Legislature of this State, shall regulate Entails in such manner as to prevent Perpetuties.

SEC. 35. [See Sec. 34, 1786, and Sec. 37, 1793.] To deter more effectually from the Commission of Crimes, by continued visible Punishment of long Duration, and to make sanguinary Punishments less necessary Houses ought to be provided for punishing by hard Labour, those who shall be convicted of Crimes not Capital; wherein the Criminal shall be employed for the benefit of the public, or for reparation of injuries done to private Persons; and all persons, at proper times, shall be admitted to see the Prisoners at their Labour.

SEC. 36. [See Sec. 26, 1786, and Sec. 29, 1793.] Every Officer, whether judicial, executive or military, in Authority under this State, shall take the following Oath or Affirmation of Allegiance, and general Oath of Office, before, he enter on the Execution of his Office.

The Oath or Affirmation of Allegiance.

"I   do solemnly swear by the ever-living God, (or affirm, in the Presence of Almighty God) that I will be true and faithful to the State of Vermont; and that I will not, directly or indirectly, do any Act or thing prejudicial or injurious to the Constitution or Government thereof, as established by Convention."

The Oath or Affirmation of Office.

"I do solemnly swear by the ever living God, (or affirm, in the Presence of Almighty God) that I will faithfully execute the Office of for the of and will do equal Right and Justice to all men, to the best of my Judgment and Abilities, according to Law."

SEC. 37. [See Art. 10, 1786, and Art. 9, 1793, of the Declaration of Rights.] No public tax, custom, or Contribution, shall be imposed upon, or paid by the people of this State, except by a Law for that purpose; and before any Law be made for raising it, the purpose for which any tax is to be raised ought to appear clear to the Legislature, to be of more Service to the Community, than the money would be, if not collected; which being well observed, taxes can never be Burthens.

SEC. 38. [See Sec. 36, 1786, and Sec. 39, 1793.] Every Foreigner of good Character, who comes to settle in this State, having first taken an Oath of Affirmation of Allegiance to the same, may purchase, or by other just means acquire, hold and transfer Land, or other real Estate; and after one year's residence, shall be deemed a free Denizen thereof, and intitled to all the rights of a natural born Subject of this state except that he shall not be capable of being elected a Representative, until after two Year's Residence.

SEC. 39. [Same as Sec. 37, 1786, and Sec. 40, 1793; except that they change "to hunt and fowl, in seasonable times" to "in seasonable times, to hunt and fowl."

SEC. 40. [See Sec. 38, 1786, and Sec. 41, 1793.] A School or Schools shall be established in each town by the Legislature, for the convenient Instruction of

Youth, with such Salaries to the masters, paid by each town, making proper Use of School-lands in each town thereby to enable them to instruct Youth at low Prices:—One Grammar School in each County, and one University in this state, ought to be established by Direction of the General Assembly.

SEC. 41. [See Sec. 38, 1786, and Sec. 41, 1793.] Laws for the Encouragement of Virtue, and Prevention of Vice and Immorality, shall be made, and kept constantly in force; and Provision shall be made for their due Execution: And all religious Societies, or bodies of men, that have, or may be hereafter united and incorporated, for the Advancement of Religion and Learning, or for other pious and charitable Purposes, shall be encouraged and protected in the Enjoyment of the Privileges, Immunities and Estates, which they in justice ought to enjoy, under such Regulations as the General Assembly of this state shall direct.

SEC. 42. [See Secs. 9 and 19, 1786, and Secs. 9, and 22, 1793.] All Field and Staff Officers, and Commissioned Officers of the Army, and all General Officers of the Militia, shall be chosen by the General Assembly.

SEC. 43. [See Sec. 39, 1786, and Sec. 42, 1793.] The Declaration of Rights is hereby declared to be a part of the Contitution of this State and ought never to be violated, on any Pretence whatsoever.

SEC. 44. [Same as Sec. 40, 1786, and Sec. 42, 1793; except that Sec. 40, 1786, inserts after "whether the Constitution has been preserved inviolate in every part" the words "during the last septenary, (including the year of their service)," and changes "appear to them to have been enacted" to "shall appear to

them to have been passed," and Sec. 43, 1793, changes "eighty-five" to "ninety-nine."]

FIRST AMENDMENTS TO THE CONSTITUTION.

The first council of censors made, in 1785, many proposals of amendment, the most important of which failed of adoption by the convention of the following year. This council, in proposing amendments, redrafted the constitution, incorporating the proposed changes with the original text. They followed constitutional requirements, by promulgating the entire constitution "as revised" by them and "recommended for the consideration of the people," and the entire constitution of 1777. This council also published, over the date of February 14, 1786, what they entitled their "proceedings;" which was really an address to the freemen, and a state paper of notable merit. The convention called by the first council of censors met at Manchester, June 29, 1786; and on the 4th of July, 1786, its president and secretary certified the constitution of 1786.

THE CONSTITUTION OF 1786.

[The Preamble was the same as in 1777, except that the words "title derived before from New Hampshire" were changed to "title derived from New Hampshire." The preamble was expunged by the convention of 1793.]

CHAPTER I.

[Same title as 1777, and 1793.]

ARTICLE 1. [Same as Art. 1, 1777, and Art. 1, 1793.]

ART. 2. [Same as Art. 2, 1777. See Art. 2, 1793.]

ART. 3. [Same as Art. 3, 1793, except that the lat-

ter changes "whatsoever" to "whatever." See Art. 3, 1777.]

ART. 4. [New article. Same as Art. 4, 1793, except that the latter changes "Commonwealth" to "State."]

ART. 5. [Same as Art. 4, 1777. See Art. 5, 1793.]

ART. 6. [Same as Art. 6, 1793. See Art. 5, 1777.]

ART. 7. [Same as Art. 7, 1793. See Art. 6, 1777.]

ART. 8. [See Art. 7, 1777. This article was dropped in 1793.] That those who are employed in the legislative and executive business of the State may be restrained from Oppression, the people have a right by their legal representatives, to enact Laws for reducing their public Officers to a private Station, and for supplying their vacancies, in a constitutional manner, by regular Elections, at such periods as they may think proper.

ART. 9. [Same as Art. 8, 1793, except that the latter adds "agreeably to the regulation made in this constitution." See Art. 8, 1777.]

ART. 10. [Same as Art. 9, 1793, except that the latter changes "no part of a man's property" to "no part of any person's property." See Art. 9, 1777.]

ART. 11. [Same as Art. 10, 1777. See Art. 10, 1793.]

ART. 12. [Same as Art. 11, 1777. See Art. 11, 1793.]

ART. 13. [Same as Art. 12, 1777. This article was dropped in 1793.]

ART. 14. [Same as Art. 12, 1793, except that the latter changes "an" to "any," and "right to a trial" to "right to trial." See Art. 13, 1777.]

ART. 15. [Same as Art. 13, 1793. See Art. 14, 1777.]

ART. 16. [New article. Same as Art. 14, 1793.]

Art. 17. [New article. See Art. 15, 1793.] The power of suspending Laws, or the execution of Laws, ought never to be exercised, but by the Legislature, or by authority derived from it, to be exercised in such particular cases only as the legislature shall expressly provide for.

Art. 18. [Same as Art. 15, 1777. See Art. 16, 1793.]

Art. 19. [New Article. Same as Art. 17, 1793, except that the latter changes "Commonwealth" to "state."]

Art. 20. [Same as Art. 18, 1793, except that the latter changes "in the making" to "in making." See Art. 16, 1777.]

Art. 21. [Same as Art. 17, 1777. See Art. 19, 1793.]

Art. 22. [Same as Art. 18, 1777, and Art. 20, 1793.]

Art. 23. [Same as Art. 21, 1793. See Art. 19, 1777.]

CHAPTER II.

[Same title as 1777, and 1793.]

Section. 1. [Same as Sec. 1, 1793, See Sec. 1, 1777.]

Sec. 2. [Same as Sec. 2, 1777. See Sec. 2, 1793.]

Sec. 3. [Same as Sec. 3, 1793. See Sec. 3, 1777.

Sec. 4. [Same as Sec. 4, 1793. See Secs. 4 and 23, 1777.]

Sec. 5. [New section. Same as Sec. 5, 1793.]

Sec. 6. [New section. Same as Sec. 6, 1793.]

Sec. 7. [Same Sec. 7, 1793, and Sec. 16, 1777.]

Sec. 8. [Same as Sec. 8, 1793. See Secs. 7 and 8, 1777.]

Sec. 9. Same as Sec. 9, 1793, except that the latter changes "administer oaths or affirmations," to "administer oaths and affirmations," and changes "they may annually, in the first session after their election, and at other times when vacancies happen, choose Delegates to Congress; And shall also, in conjunction with the council, annually, (or oftener if need

be) elect Judges" to "they may annually on their first session after their election, in conjunction with the Council (or oftener if need be) elect Judges." See Secs. 8, 9, 10, 27 and 42, 1777.

SEC. 10. [Same as Sec. 10, 1793. See Sec. 17, 1777.]

SEC. 11. [Same as Sec. 11, 1793, except that the latter adds "and the Governor may appoint a Secretary for himself and his Councils." See Secs. 17 and 18, 1777.]

SEC. 12. [See Sec. 9, 1777, and Sec. 12, 1793.] The Representatives, having met, and chosen their Speaker and Clerk, shall each of them, before they proceed to Business, take and subscribe, as well the Oath or Affirmation of Allegiance hereinafter directed, (except where they shall produce Certificates of their having theretofore taken and subscribed the same) as the following Oath or affirmation, viz.:

You do solemnly swear (*or affirm*) that as a Member of this Assembly, you will not propose, or assent, to any Bill, vote or resolution, which shall appear to you injurious to the People; nor do or consent to any act or thing whatever, that shall have a tendency to lessen or abridge their rights and privileges, as declared by the constitution of this State; but will in all things, conduct yourself as a faithful, honest, representative and Guardian of the People, according to the best of your judgment and abilities. (In case of an Oath) *So help you God.* (And in case of an affirmation) *Under the pains and penalties of Perjury.*

And each member, before he takes his Seat, shall make and subscribe the following Declaration, viz.:

"You do believe in one God, the Creator and Governor of the Universe, the rewarder of the Good and punisher of the wicked. And you do acknowledge the Scriptures of the old and new Testament to be given

by divine Inspiration, and own and profess the Protestant Religion." And no further or other religious Test shall ever hereafter be required of any civil Officer or Magistrate in this State.

SEC. 13. [Same as Sec. 13, 1793. See Sec. 12, 1777.]

SEC. 14. [Same as Sec. 14, 1793, except that the latter changes "conveniently may be" to "convenient." See Sec. 13, 1777.]

SEC. 15. [Same as Sec. 15, 1793. See Sec. 15, 1777.]

SEC. 16. [Same as Sec. 16, 1793. See Sec. 14, 1777.]

SEC. 17. [New section. Same as Sec. 20, 1793.]

SEC. 18. [Same as Sec. 21, 1793. See Sec. 6, 1777.]

SEC. 19. [See Secs. 5 and 42, 1777, and Sec. 22, 1793.] The Inhabitants of this Commonwealth shall be trained and armed for its defence, under such regulations, restrictions and exceptions, as the General Assembly shall by law direct. The several Companies of militia shall, as often as vacancies happen, elect their Captains and other inferior officers; and the Captains and Subalterns shall nominate and recommend the Field officers of their respective Regiments, who shall appoint their Staff officers.

SEC. 20. [Same as Sec. 19, 1777. See Sec. 22, 1793.]

SEC. 21. [Same as Sec. 24, 1793, except that the latter adds "and no trial or impeachment shall be a bar to a prosecution at law." See Sec. 20, 1777.

SEC. 22. [See Sec. 33 and 23, 1777, and Sec. 25, 1793.] As every freeman, to preserve his independence (if without a sufficient estate) ought to have some profession, calling, trade or farm, whereby he may honestly subsist, there can be no necessity for, nor use in, establishing offices of profit, the usual effects of which are dependence and servility, unbecoming freemen, in the Possessors or expectants; faction, contention, corruption and disorder, among the People. But if any man is called into public ser-

vice, to the prejudice of his private affairs, he has a right to a reasonable Compensation; and whenever an office, through increase of fees, or otherwise, becomes so profitable as to occasion many to apply for it, the profits ought to be lessened by the Legislature. And if any officer shall take greater or other fees than the laws allow him, either directly or indirectly it shall ever after disqualify him from holding any office in this State.

SEC. 23. [New section. See Sec. 26, 1793.]

No person in this State, shall be capable of holding or exercising more than one of the following Offices at the same time, viz.: Governor, Lieutenant-Governor, Judge of the Supreme Court, Treasurer of the State, Member of the Council, Member of the General Assembly, Surveyor General or Sheriff.

SEC. 24. [New section. Same as Sec. 27, 1793.

SEC. 25. [New section. Same as Sec. 28, 1793.]

SEC. 26. [Same as Sec. 29, 1793, except that the latter inserts "military officers, and." See Sec. 36, 1777.]

SEC. 57. [See Sec. 10, 1777. This article was dropped in 1793.] Any Delegate to Congress may be superseded at any time, by the General Assembly appointing another in his stead. No man shall be capable of being a Delegate to represent this State in Congress for more than three years in any term of six years:—and no person who holds any office in the gift of Congress shall, during the time of his holding such office, be elected to represent this State in Congress.

SEC. 28. [Same as Sec. 31, 1793. See Sec. 22, 1777.]

SEC. 29. [Same as Sec. 32, 1793, except that the atter changes "proportionate" to "proportioned." See Secs. 24 and 26, 1777.]

SEC. 30. [Same as Sec. 33, 1793. See Secs. 25 and 26, 1777.

SEC. 31. [See Sec 29, 1777, and Sec. 34, 1793.] All Elections, whether by the people, or in General Assembly, shall be by Ballot, free and voluntary: And any Elector, who shall receive any gift or reward for his Vote, in meat, drink, monies, or otherwise, shall forfeit his right to elect at that time, and suffer such other penalty as the laws shall direct: And any person who shall, directly or indirectly, give, promise or bestow, any such rewards to be elected, shall thereby be rendered incapable to serve for the ensuing year, and be subject to such further Punishment as a future Legislature shall direct.

SEC. 32. [Same as Sec. 35, 1793. See Sec. 31, 1777.]

SEC. 33. [Same as Sec. 36, 1793. See Sec. 31, 1777.]

SEC. 34. [Same as Sec 37, 1739. See Sec. 35, 1777.]

SEC. 35. [New section. Same as Sec. 38, 1793.]

SEC. 36. [Same as Sec. 39, 1793. See Sec. 38, 1777.]

SEC. 37. [Same as Sec. 40, 1793. See Sec. 39, 1777.]

SEC. 38. [Same as Sec. 41, 1793. See Secs. 40 and 41, 1777.

SEC. 39. [Same as Sec. 42, 1793. See Sec. 43, 1777.]

SEC. 40. [Same as Sec. 43, 1793, except that the latter changés "eighty-five" to "ninety-nine," and "appear to them to have been enacted" to "shall appear to them to have been passed." See Sec. 44, 1777.]

THE CONVENTION OF 1793.

This convention, called by the council of censors of 1792, met at Windsor July 3, 1793, and July 9, 1793, its president and secretary certified the constitution of 1793. This certified constitution, now in the secretary of state's office, has, prefixed, a title-page with the following words: "The Constitution of Vermont.

As Adopted by the Convention, holden at Windsor, July fourth, one thousand seven hundred and ninety-three." This convention has been criticised for not certifying its amendments alone, and for the use of the word "adopted" on the title-page of the certified constitution. But the council of censors of 1792, following the precedent of 1785, promulgated the entire constitution as it was proposed to be, and also the entire constitution of 1786. The convention of 1793 refused to adopt the most important amendments proposed by the council, but did adopt many proposed amendments; and it does not appear that either the convention of 1786; or that of 1793 adopted any amendments that were not proposed, although in a very few instances slight verbal changes may have been made, the authority for which may not have appeared in the amendments as proposed. Most of even the more unimportant verbal changes will be found to have been proposed. And it does not appear, considering the way in which the proposed amendments were, by the councils proposing them, incorporated in the original text of the constitution, how the conventions of 1786 and 1793 could have certified separately the amendment adopted as has been done by later conventions.

The convention of 1793, on the day it met, expunged the preamble. In extracts from the journal of this convention, furnished by Lewis R. Morris, its secretary, and printed in *Spooner's Vermont Journal* of July 22, 1793, appears the following: "*Ordered*, That the Preamble to the present Constitution be expunged."

The full authority of the convention to take this action lies in the fact that the council of censors in promulgating the proposed changes set forth the constitution as proposed with the preamble omitted

and the constitution of 1786 with the preamble retained; thus plainly promulgating the preamble as something to be abolished.

THE LATER AMENDMENTS.

The councils of censors of 1813, 1820, 1841, and 1855 proposed amendments, all of which the several conventions called by them refused to adopt. The council of censors of 1827, 1834, 1848 and 1869 proposed amendments, some of which in each case were adopted by the conventions which they called.

The first article of amendments was adopted by a convention which met at Montpelier June 26, 1828, and adjourned June 28, 1828. The certificate of the president and secretary of the convention shows it was adopted June 27, 1828.

The second to thirteenth articles of amendment, inclusive, were adopted by a convention which met at Montpelier January 6, 1836, and adjourned January 14, 1836. They were certified by the president and secretary of the convention January 14, 1836.

The fourteenth to twenty-third articles of amendment, inclusive, were adopted by a convention which met at Montpelier January 2, 1850, and adjourned January 14, 1850. They were certified by the president and secretary of the convention January 12, 1850.

The twenty-fourth, twenty-fifth and twenty-sixth articles of amendment were adopted by a convention which met at Montpelier June 8, 1870, and adjourned June 15, 1870. They were certified by the president and secretary of the convention June 14, 1870.

The twenty-seventh and twenty-eight articles of amendment were proposed by the Senate and concurred in by the House in 1880, concurred in by the Senate and House in 1882, and adopted by a vote of the freemen March 6, 1883.

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and proceedings of general assembly to be printed, Ch. 2, Sec. 14.

W.

WARRANTS, for search or seizure to be granted only on oath, Ch. 1, Art. 11.

WITNESSES, right of accused to be confronted with, Ch. 1, Art. 10.

WORSHIP, religious, freedom of, Ch. 1, Art. 3;
should be kept up, Ch. 1, Art. 3.

Y.

YEAS AND NAYS, when to be taken and printed, Ch. 2, Sec. 14;
to be taken upon vetoed bill, Art. Amend., 11.